HISTORIA JUDAICA

A JOURNAL OF STUDIES
IN JEWISH HISTORY, ESPECIALLY IN
THE LEGAL AND SOCIAL HISTORY OF THE JEWS

VOLUME XXI

EDITOR

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HISTORIA JUDAICA — ON ENTERING THE THIRD DECADE OF PUBLICATION

By Guido Kisch

ON March 31, 1938 the fourth issue of the seventh volume of the *Zeitschrift für Geschichte der Juden in Deutschland*, of which this writer was one of the editors, was published. It was destined to be the last one. Shortly after the November pogrom, with which the planned infamous "final solution of the Jewish question" in Germany was initiated, the late Doctor Leo Baeck, foreseeing the doom of Jewish scholarship in the country of origin of *Wissenschaft des Judentums*, for the last time tried to gather together literary contributions of all Jewish scholars of repute for a representative volume of the *Monatsschrift für Geschichte und Wissenschaft des Judentums*. The intention was to mark with this collection the dignified conclusion of the long series of that scholarly periodical founded by Zacharias Frankel. Although some contributions—that of the present writer among them —were banned by the censorship of the Nazi Secret State Police, the volume itself was allowed to go to press. When it was about to be published, however, it was suppressed, confiscated, and destroyed by the then rulers of Germany. Only a few copies survived.

Naturally, this horrifying development made a deep impression on this writer. Himself a victim of and refugee from Nazi terror, he resolved to attempt a rescue action,

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modest though it might be, for the sake of Jewish historical scholarly publishing in periodical form. His idea was to bridge in some way the gap between the suppression and eradication of the German-Jewish journals of long-enduring eminence and the dawn of a new, more auspicious era. Of course, the times and the circumstances were most unfavorable for such a venture. It was well nigh impossible to find support, even for a most worthy undertaking such as this, when rightfully every resource, down to the very last cent, had to be marshalled and expended to succor and sustain human beings. But one single friend, the late Mr. Hugo Bulova, made the start possible. With his generous gift of two hundred dollars the first issue of *Historia Judaica* was published in Czechoslovakia in November, 1938, and the second, after Hitler's invasion of that country, in Belgium, in September, 1939. Only one other issue could appear in Belgium because that country, too, was soon overrun by the Nazis. Beginning with the second issue of the second volume, and ever since, *Historia Judaica* has been printed in the United States, where it has appeared regularly in semiannual issues.

The first and most difficult years were happily weathered through subscriptions and, above all, through the financial assistance of scholarly minded, thoughtful friends whose appreciation of the undertaking stimulated and encouraged the editor at a time when discouragements of various kinds were by no means lacking. The entire story will be told in detail in the near future.

For the time being, suffice it to say that the editor's hopes and expectations were fulfilled by subsequent developments. In the two decades of publication, *Historia Judaica,* with a scholarly character of its own, has won and maintained for itself a place among Jewish scholarly journals

existing at the time of its founding and those that came into being after the defeat of Nazidom. It has served as a reservoir for the preservation of valuable studies in the fields of medieval and modern Jewish history, legal and economic history, as well as sociology, history of art, and numismatics. Not only has it stimulated research in all these fields, but it has offered young scholars, in particular, an opportunity to publish the results of their studies. It has maintained a section for the critical reviewing of recent publications, based on the idea that constructive criticism serves the advancement of research and scholarship. There is also a regular section for bibliography. In brief necrologies the life and work of scholars in the various fields of Jewish history have been recorded, particularly during the period when it was difficult to ascertain when and where these persons had died or perished.

In the early years, the editor of *Historia Judaica* received assistance from American scholars, who saw to it that the English of all contributions, some of them translated from German originals, received due attention. A Hebrew scholar always checked the Hebrew texts carefully. Through all the years the editor has enjoyed the never failing help of his wife, Mrs. Hilde Kisch, who not only took upon herself all the typing and relieved him of much mechanical work, but—anonymously—translated many an article or review from the German or French and often participated in the work of stylistic improvement.

The editor of this publication now entering its third decade wishes, first of all, to thank the Almighty for having graciously enabled him to accomplish all the scholarly work connected with editing and publishing *Historia Judaica* and for having brought him to this milestone in the development of the journal.

The editor likewise is thankful for the opportunity afforded to express his deepfelt gratitude to all the above-mentioned friends as well as to all the contributors and subscribers, some of whom have remained faithful to this journal from the very beginning to the present. He sincerely hopes that he may continue to count on their assistance as long as he will be privileged to guide the destinies of *Historia Judaica.*

The occasion of the completion of the twentieth volume will probably be celebrated in the late fall with a special issue. It will contain an index of the twenty volumes already published, consisting of a list not only of all contributions, essays and reviews, including the names of authors and reviewers, and of all other names, but also of all subjects dealt with on each and every page of the journal. This index has been compiled by Professor Kurt Schwerin, Associate Law Librarian at Northwestern University, and is completed in manuscript. An essay by the Chief Rabbi of Sweden, Dr. Kurt Wilhelm of Stockholm, will offer a scholarly analysis and evaluation of the entire contents of the twenty volumes. Finally, the editor will write a history of *Historia Judaica* from the initial stages to the present. There, in a detailed report of the facts, all the joys and sorrows of an editor, will be faithfully related.

Thus, the third decade of *Historia Judaica* is inaugurated with repeated thanks for its growth in the past and with undiminished hopes for the future.

חזק ונתחזק

QUOD BONUM FELIX FAUSTUM
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THE DEMOGRAPHIC ASPECTS OF JEWISH EMANCIPATION IN FRANCE DURING THE FRENCH REVOLUTION

By Zosa Szajkowski

New York City

I

Mobility Restrictions Against Jews During the Old Regime

PRIOR to the Revolution of 1789 the Jews of France, numbering about 40,000, enjoyed no freedom of movement.

There were 95 Jewish communities in Alsace in 1689 (522 families), 129 in 1716 (1,269 families), and 182 in 1784 (19,707 Jews forming 3,913 families). These were for the most part small communities, for Jews were not allowed to live in the largest Alsatian cities. Eighty-seven of the 129 communities in 1716 consisted of 1 to 10 families each and 34 of 11 to 25 families each. In 1784 only 16 communities had 50 or more Jewish families each. Most communities—exactly 111—were comprised 1 to 25 families each.[1] The situation of the Alsatian Jews was further complicated by the fact that the 182 cities and villages where they were permitted to live belonged to no less than sixty-one different owners: the King, the Church authorities, and various

[1] E. de Neyremand, "Dénombrement des familles israélites en Alsace, années 1689 et 1716," *Revue d'Alsace*, X (1859), 564-68; *Dénombrement général des juifs tolérés en la Provice d'Alsace en exécution des lettres patentes ... du 10 Juillet* 1784 (Colmar, 1785), 386 pp.; *Supplément au dénombrement* . . . [Colmar, 1875], 2 *pp.*; reprinted in *Les Juifs d'Alsace doivent-ils être admis au droit de citoyens* (Paris, 1790), pp. 248-51; G. Hemerdinger, "Le Dénombrement des israélites d'Alsace," *REJ.*, XLII (1901), 253-64; *idem*, "La Population israélite en Alsace. Recensement de 1784, 1860 et 1895," *Univers israélite*, LVIII, 1 (1902-03).

seigniors, and each of them pursued his own interests at the Jews' expense.[2]

In the city of Metz the Jews were continuously forced to defend their right of residence, while in the province of Metz they were hardly tolerated. A few months before the outbreak of the Revolution the governor of the province of Metz permitted Jewish peddlers to reside in Verdun for no more than a few days at a time, but the city officials protested against even this limited concession.[3] In Lorraine only 180 Jewish families were permitted to live in a total of 52 communities.[4]

Even the privileged Sephardic Jews could not move freely. The royal letters patent granted to them were valid only in the territory under the jurisdiction of the Bordeaux Parliament. Sephardic and Avignonese Jewish merchants from Bordeaux and Saint-Esprit-lès-Bayonne and from the papal province were driven out from many large commercial centers, for instance, Dijon, Poitiers, Orléans, Pau, Cognac, Rochefort, Saintes, etc. A memorandum submitted in 1788 by the Sephardic Jews to the Minister, Chrétien-Guillaume Lamoignen de Malesherbes, contained a plea for the right of residence in the whole of France.[5]

In Paris, where they had no legal status, the Jews, who numbered about 700, were only tolerated before 1789. Four Jewish communities existed in the papal province of Avignon and Comtat Venaissin. Their status was often described as good; however, this was more legend than reality. Small

[2] See Appendix I.

[3] Z. Szajkowski, *The Economic Status of the Jews in Alsace, Metz and Lorraine*, 1648-1789 (New York, 1954), pp. 31-38; *Archives israélites*, XXVII (1866), 1097.

[4] L. Vanson, "Imposition sur les Juifs en Lorraine dans l'ancien régime," *Revue juive de Lorraine*, IX (1933), Nos. 98-99; *idem*, "Curieuses requêtes des Juifs," *ibid.*, X-XI (1934-35), Nos. 109-121.

[5] Szajkowski, "The Jewish Status in Eighteenth-Century France and the 'Droit d'Aubaine'," *Historia Judaica*, XIX (1957), 147-49; H. Léon, *Histoire des Juifs de Bayonne* (Paris, 1893), p. 153. Concerning the Sephardim a curious detail should be noted. A group of Jews of Amsterdam requested the city council of Charleville (in the department of Ardennes after 1789) for permission to settle there. It was granted by the city council on September 27, 1649. Departmental archives of Ardennes, E 677, Charleville, règlements pp. 57-58.

Jewish communities were permitted in Marseilles, Nîmes, Montpellier, Lyons, and a few other cities.[6]

II

Restrictions Against Jewish Mobility During the Revolution

Not all restrictions against the mobility of Jews were abolished at the outbreak of the Revolution in 1789. The Jews of Alsace and the neighboring departments were surrounded by so many enemies that their elementary right to exist was in jeopardy at the very time they were fighting for full emancipation.

At the beginning of the Revolution a large number of communities, mostly of Upper Alsace, were scenes of anti-Jewish riots.[7] In May, 1790, an Alsatian pamphleteer demanded "an end to their [the Jews'] enormous population which is threatening to engulf the rest of our inhabitants."[8] The Colmar petition of April 25, 1790, which opposed Jewish emancipation and called for the expulsion of Jews, was followed by similar petitions from Soultz, Altkirch, Huningue and eighty of its surrounding villages and other places in Alsace, as well as from the former province of Metz and Lorraine.[9] In August, 1790, the Jews were attacked in

[6] I. Loeb, *Biographie d'Albert Cohn* (Paris, 1878), p. 27; H. Monin, "Les Juifs de Paris à la fin de l'ancien régime," *REJ.*, XXIII (1891), 85; Szajkowski, "Jewish Motifs in the Folk Culture of Comtat in the 17th-19th Centuries," *Yivo Bleter*, XIX (1942), 337 (Yiddish); S. Kahn, *Notice sur les israélites de Nîmes* (Nîmes, 1901), p. 29; *idem*, "Les Juifs de Montpellier au 18e siècle," *REJ.*, XXXIII (1896), 294-95; Alfred Lévy, *Notice sur les israélites de Lyon* (Paris, 1894), pp. 20-24.

[7] Szajkowski, "Anti-Jewish Riots in Alsace during the Revolutions of 1789, 1830, and 1848," *Zion*, XX (1955), 82-102 (Hebrew).

[8] *Avis aux Alsaciens* (no place, [Mai, 1790]), p. 12.

[9] *Très humble et très respectueuse Adresse . . . de la Commune de Colmar. . . . le 25 Avril* 1790 (n.p., n.d.), 4 pp.; *Demütigste und ehrerbietigste Bittschrift an die National-Versammlung* (n.p., n.d.), 8 pp. [by Huningue]; "Notes et documents pour servir à l'histoire de la Révolution en Alsace," *Revue d'Alsace*, XVI (1865), 234-36; Charles Hoffman, *L'Alsace au dix-huitième siècle*, IV (Colmar, 1907), 520-23; M. Ginsburger, *Histoire de la communauté israélite de Soultz* (Strasbourg, 1939), p. 40; departmental archives of Moselle, L 525 (petition of the district of Sarreguemines against

Scherwiller, and in the beginning of 1791, in Marmoutier (Lower Rhine). In February, 1791, the district of Mutzig asked the departmental *Directoire* for permission to apply a statute of 1759 against the Jews.[10]

In 1790 the Jews of Niederenheim (Lower Rhine) warned that, if the persecutions against them continued, they would be forced to emigrate abroad.[11] That the Jews did not easily give up is attested by an incident that Dominicus Schmutz, a Christian of Colmar, noted in his diary. In 1790 the Christian population of Wintzenheim proposed to use force to banish a Jew. The latter was not intimidated and hired for his protection a detachment of the regiment of Neufbrisach. Because the soldiers were refused permission to attend a local dance of Christian youths, a fight broke out in the course of which a girl was slain and a man wounded. Three soldiers were arrested and the Jew was forced to pay all expenses.[12]

The liberal Alsatian historian Rodolphe Reuss noted in his introduction to a collection of documents on Jews in the Lower Rhine during the Revolution that the anti-Jewish feeling sprang principally, not from religious bigotry, but from the Jacobins' hatred of speculators. However, most of the documents cited by Reuss consist of complaints against Jews for trying to settle in places that had been forbidden to them during the old regime.[13] In 1790 the Alsatian Jews still paid protection money to the King and to local seigniors.[14]

According to the letters patent of July 10, 1784, which

Jews, Sept. 25, 1790); Robert Parisot, *Histoire de Lorraine*, III (Paris, 1924), 22.

[10] Rod. Reuss, "L'Antisémitisme dans le Bas-Rhin pendant la Révolution (1790-1793), nouveaux documents inédits," *REJ.*, LXVIII (1914), 249, 252-53; 247; P. Hildenfinger, "Actes du district de Strasbourg . . .," *REJ.*, LX (1910), 241.

[11] "... au point qu'ils se voient forcés de chercher leur pain sous un autre ciel"; departmental archives of Lower Rhine, L-1-825 (minute of October 2, 1790).

[12] Julien Sée, *Hausbuch von Dominicus Schmutz, Bürger zu Colmar* (Colmar, 1878), p. 94.

[13] Reuss (*supra*, n. 10), 247.

[14] *Pétition des Juifs établis en France adressée à l'Assemblée Nationale le 28 janvier* 1790 (Paris, 1790), p. 100.

aimed at limiting the number of Jews, Alsatian Jews had no right to marry without express permission from the King. Newly wedded couples always faced a desperate search for a place to settle. Very often local authorities prevented Jews from marrying even when they had royal permits. This situation persisted until after the outbreak of the Revolution, for the *cahiers de doléances* of Haguenau-Wissembourg and other places sought to prevent marriages by Jews.[15] On August 14, 1789, the city council of Osthoffen complained that the number of Jewish families there had increased from three to eighteen. In 1790, Bischeim refused to let Alexandre Libmann-Lazare establish a home there, although in 1772 he had obtained permission to reside in Alsace, but in another community (Brumath).

On January 25, 1790, the King granted Nathan Lazard of Fegersheim permission to marry, but the city council ordered the rabbi not to perform the marriage ceremony. Lazard appealed to the higher authorities of the district of Strasbourg, which had no alternative but to recognize the royal authorization and, accordingly, on December 11, 1790, ordered the city council of Fegersheim not to interfere with Lazard's plans. Fegersheim then raised objections to the establishment of homes by Jews who were newcomers and again refused to allow a Jew, Macholem Abraham, to marry a girl named Bessel from Mutzig. In 1790 also, the city council of Wintzenheim decided to deny migrant Jews the right to settle there. Although on December 12, 1788, Isaac Hirtzel obtained permission to settle in Zelwiller, in April, 1791, he was ordered to leave the place. Only the intervention of the district authorities of Upper and Lower Rhine in many such cases compelled the city councils to respect the royal permits for Jews to marry.

Among the numerous instances of opposition to formation of new family units by Jews we may mention the cases of Aaron and Paul Lévy of Thann (September 11, 1790); Raphaël Ziffy of Mühlheim, who wanted to settle in Bischeim

[15] M. Liber, "Les Juifs et la convocation des États Généraux," *REJ.*, LXIII (1912), 188.

(November 24, 1790); David Meyer of Bolsenheim, who was attacked by a mob of Christians because he wanted to settle in Habsheim (March 2 and April 12, 1791); Jacques Wolf of Obersteinbrunn (September 27, 1790); Abraham Ulmo of the same place, who wanted to settle in Sierentz (June 14, 1791); Meyer Dreyfus and Marc Dreyfus of Uffheim (February 22, and March 3, 1791); Jacques Ditisheim and Schwob of Hegenheim (May 18, 1791). On other occasions the higher district authorities prevented Jews from marrying and settling legally, for instance, in the case of a Jew of Osthoffen on July 31, 1790. On February 15, 1791, the city council of Odratzheim entered a protest against permitting Jewish marriages.

Other city councils levied high taxes on Jewish marriages: In 1790, Jacques Lévy of Mutzig complained that he had been forced to pay 72 livres for the marriage of his son, and Manuel Geschen of Quatzenheim likewise the sum of 120 livres. It was more than two years after the outbreak of the Revolution before these chicaneries were halted by the decree of September 27, 1791, which granted full citizenship to the Ashkenazic Jews. Until then the district and departmental authorities often refused to interfere with lower authorities in favor of Jews on the ground that the National Assembly had ordered them only to protect the Jews, but did not grant the Jews the right to settle freely. The departmental authorities claimed that they had to wait for a clear-cut decision of the National Assembly on the status of Jews. This happened in the cases of Emmanuel Bloch of Hattstatt, who tried to settle in Lingolsheim (November 15, 1790), and of Samson Isaac of Uttenheim who, having obtained a royal permit dated February 25, 1789, tried to marry a girl from Fegersheim and to settle there (May 19, 1790).[16]

[16] Hildenfinger (*supra*, n. 10), 238-43; Reuss, *op. cit.*, 247-55; *idem*, "Arrêtés du Directoire du département du Haut-Rhin . . .," *REJ.*, LXXV (1922), 45-47, 49, 55, 58, 60-61, 63. It should be mentioned that in his anti-Jewish paper published in *Publiciste* of February, 1806, Bonald (1767-1840) advocated the restrictions of the Jews' right to marry; J. Hours, "Un Précurseur oublié de l'antisémitisme français: le vicomte de Bonald," *Cahiers sioniens*, IV (1956), 165-69.

Even after the Jews were granted full citizenship, on February 1, 1793, the city council of Soultz demanded that a Jew pay 66 livres for residence rights.[17]

No Jews were allowed to reside in Colmar, which was the capital of the province of Alsace during the old regime. In 1789 five single Jews lived there. In 1792, two more single Jews settled in Colmar, and in 1793 the first Jewish couple, Jacob Meyer and his wife Féanne Lévy. In the same year, on April 13, 1793, the district of Colmar accused the Jews of speculation, of preparing food for the German armies in case of an invasion of France, and of proposing to the Pope a joint fight against France. The council requested the expulsion of the Jews. In 1794 two more couples settled in Colmar and in 1795-1798 another thirteen Jews, including some couples, joined the first Jewish settlers in that city. All of them came from the smaller Alsatian places of Bergheim, Buxwiller, Hagenthal, Hattstatt, Jungholz, Ostheim, Rixheim, Wettolsheim, Wintzenheim. With the exception of Herlisheim these were communities of the Upper Rhine department, of which Colmar was the capital. It should be observed that these Jews were all single persons or childless couples. It seems that Jewish families with children were as yet afraid to settle in the unfriendly city. In later years the number of Jews in Colmar rose rapidly: 260 in 1818, 761 in 1841, 1,128 in 1861.[18]

Even after the outbreak of the Revolution the city of Strasbourg sought to oust Jews who had settled there against the city's wishes on the strength of the royal letters patent granted in 1775 to Cerfberr. In May, 1793, the authorities of the Strasbourg district forwarded to the city council a list of Jews who had left Bischeim for Strasbourg, together with an order to keep an eye on them. On December 10, 1793, the military authorities of Strasbourg ordered the expulsion from the city of newly arrived Jewish families. The official reason for such an order was the scarcity of

[17] Ginsburger (*supra*, n. 9), p. 40.

[18] Departmental archives of Upper Rhine, L 645; city archives of Colmar, censuses of Jews.

food and the presumption that these families came to Strasbourg in order to evade the law (*pour se soustraire à la loi*). In June or in the beginning of July, 1794, the Jews complained that they were not allowed to visit the city of Strasbourg on certain days. Other people made exaggerated statements about an invasion of the city by a considerable number of Jews.[19]

During the Alsatian anti-Jewish riots of 1789 Jews took refuge in Mulhouse, which was a free city in the old regime. However, they were not allowed to settle there. Only in 1798, after Mulhouse became a French city and Jewish emancipation was a well-established fact, did Jews settle there, the first of them being Meyer Hirsch. By 1808 the number of Jews in Mulhouse reached 165 and in 1822, 400, in a total population of 9,000.[20] The same situation prevailed in smaller places. In May, 1791, the city council of Bischeim resolved that newly arrived Jewish families would not be permitted to settle there.[21]

III

Later Restrictions

During the First Empire Napoleon I's anti-Jewish policy limited Jewish mobility. Article 16 of the "Ignominious Decree" (*Décret infâme*) of March 17, 1808, prohibited migrant French Jews from settling in Alsace and foreign Jews from settling in France for other than agricultural work. The local administration refused to register marriages of Alsatian Jews with women from other departments, and Alsatian Jews were even refused permission to

[19] Szajkowski, "The Jewish Problem in Alsace, Metz and Lorraine on the Eve of the Revolution of 1789," *Jewish Quarterly Review*, XLIV (1954), 218; city archives of Strasbourg, minutes of the *Corps municipal*, IV, 497-98 (May 4, 1793), 1020-21 (Dec. 10, 1793); *Copie de la pétition par plusieurs citoyens du Bas-Rhin, à la Convention Nationale* (Colmar, [1794]), 7 pp. The German Professor Christoph Meiners wrote about 8,000 Jews living in Strasbourg; *Beschreibung einer Reise nach Stuttgart und Strassburg* (Göttingen, 1803), pp. 149-50.

[20] René Hirschler, *Les Juifs à Mulhouse* ([Mulhouse], 1938), p. 5.

[21] Departmental archives of Upper Rhine, L 645.

move to other departments.[22] During the Napoleonic wars Ashkenazic Jews were denied permission to settle near the Spanish border.[23]

It is possible that many Jews found ways of evading the restrictions. On the other hand, the Jewish consistories, in discouraging paupers, were in general unsympathetic to newcomers. In 1812, the Paris consistory handed the police a list of thirty penniless Jews marked for expulsion.[24]

Some villages and cities remained closed to Jews even in later periods of the nineteenth century. As late as 1815 it was still impossible for a Jew to reside in Oloron (Basses-Pyrénées). In 1844 the editor of *Les Archives israélites* reported that Sélestat, Roffach, and other Alsatian towns tolerated Jews who came there to do business only on a day-to-day basis, and would not permit them to settle.[25]

After the emancipation, while officially the Jews were almost entirely free to immigrate to new communities, they continued to live in the old ghettos or in adjacent streets. Possibly in some instances they still felt safe only there. On December 29, 1790, the district of Benfeld (Lower Rhine) requested the restriction of Jewish inhabitants to ghettos with locked gates.[26] In 1806, the prefect of Moselle noted that since 1793 only twenty-nine Jewish families had left the ghetto of Metz and settled in other parts of the city. Even after 1830, the other parts of the city were called *Mâqôm* by the Jews.[27] In Nancy there was no official ghetto during the old regime, but most of the Jews there lived on the *rue Saint François*. In 1808, almost all the Jews of Nancy lived around the synagogue, in a sort of freely formed

[22] Robert Anchel, *Napoléon et les Juifs* (Paris, 1928), pp. 336-47.

[23] Pierre Genevray, "Les Juifs des Landes sous le Premier Empire," *REJ.*, LXXIV (1922), 129.

[24] Anchel, *op. cit.*, pp. 234-35.

[25] *Archives israélites*, IV (1843), 93; V (1844), 467.

[26] Js. Foesser, *Meistratzheim* (Strassburg, 1939), p. 363.

[27] S. Posener, "The Immediate Economic and Social Effects of the Emancipation of Jews in France," *Jewish Social Studies*, I (1930), 285; A. Lipman, *Un Grand Rabbin français, Benjamin Lipman* (1819-1866) (Paris, 1923), pp. 5-6. In 1844, 1,929 persons lived in the former ghetto of Metz; 598 of them were Christians. O. Terquem, *Quelques réflexions à propos d'une lettre* (Metz [1845]), 16 pp.

ghetto.[28] Only after the Revolution of 1830 did Carpentras Jews begin to settle outside the ghetto. During the Revolution Armand Lunel's grandfather moved from Carpentras to Saint-Andiol, but in the time of the Restoration of 1814 he was forced to return to the Carpentras ghetto. In the eighteen-twenties the Jews of Saint-Esprit-lès-Bayonne, a suburb of Bayonne, were still not tolerated in Bayonne itself.[29]

In such an atmosphere it was a miracle that the Jews were able to withstand local anti-Jewish pressure and to increase in numbers. This was possible only because of the sympathetic attitude of the federal revolutionary authorities of Paris, although some commissioners sent from Paris to departmental centers did express anti-Jewish feelings.[30] What may be called the demographic aspect of Jewish emancipation will be the subject of the following sections.

IV

The Increase of Large Jewish Communities

The Jewish population of Alsace increased from 19,707, according to the census of 1784, to 26,363 in 1808-1810, that is, by 24.2 percent. One direct result of the Jewish emancipation was the formation of large communities. Whereas, during the old regime, there were no Jewish communities with as many as 500 Jews (Wintzenheim, the largest Alsatian community, had only 430 Jews), in 1808, 5 communities existed with 500 or more Jews each. The growth

[28] J. Godechot, "Les Juifs de Nancy de 1789 à 1795," *REJ.*, LXXVI (1928), 7; André Gain, "La Population juive de Nancy en 1808," *Revue juive de Lorraine*, IX (1933), 292; Daniel Kahn, "Le Ghetto de Nancy," *ibid.*, VIII (1932), 253-56.

[29] City Library of Carpentras, Barjavel's Notes, 1217, fol. 166; Armand Lunel, *Nicolo Peccavi* (Paris, 1926), pp. 110-111; *Nouvelle chronique de la ville de Bayonne*, par un Bayonnais (Bayonne, 1827), p. 151.

[30] Alexandre Weill wrote correctly in his memories: "Si le gouvernement n'eût pas été plus humain, plus libéral, plus tolérant que la population alsacienne, les Juifs eussent tous été, sinon exterminés, du moins pillés et expulsé"; *Ma jeunesse*, I (Paris, 1888), 57.

of the Jewish population was even more striking in Lorraine, where 180 families (990 persons) were officially permitted to live in 52 communities by letters patent of 1752. In 1808-1810 the number of Jews there totaled 10,545 in 168 communities. In Nancy the number of Jews rose from about 40 families in 1789 to—according to one census—739 persons. Sixty-eight Jews lived in Strasbourg in 1784 and 1,467 in 1808-1810; in Haguenau, 325 and 639 in the respective years; in Hegenheim, 409 and 639; in Dürmenach, 340 and 460.[31]

According to a register of Jews in Nancy in the years 1808-1810, 175 Jews had settled there prior to 1789 and 454 in the period 1789-1809. The rest of over 700 Jews were born in Nancy itself. Most family heads, however, were not natives of Nancy, while their wives and children formed the bulk of those born in this city. Only in sixty cases was the entire family—husband, wife, and children—born in Nancy.[32] In Lunéville (Meurthe) the number of Jews increased from 11 in 1752 to 322 in 1808. Only 9 out of 57 Jewish family heads of Lunéville were born there; 8 of them were natives of Metz, and the others came from outside communities.[33] In some Lorraine communities the number of Jews remained the same (Mitting, Lahgatt, Deutz), or even diminished as a result of immigration to larger communities.

The story of Dijon (Côte-d'Or) is one of the most striking examples of the creation of a large Jewish community after the emancipation period. No Jews had been allowed to live there during the old regime. In 1790, a few Alsatian Jews from communities where anti-Jewish riots had occurred at the beginning of the Revolution, requested permission to settle in Dijon and "to exercise their religion, to have their cemetery and to be listed as active citizens."

[31] Posener (*supra*, n. 27), 282-83; *idem*, "Les Juifs sous le Premier Empire: les statistiques générales," *REJ.*, XCIV (1933), 157.

[32] City archives of Nancy, 1 F 1-2. Compare with André Gain, who published another register of 855 Jewish declarations of names in Nancy; *Revue juive de Lorraine*, Nos. 100-108 (Register E 31 in the city archives and 2 E 603 in the departmental archives of Meurthe-et-Moselle).

[33] Departmental archives of Meurthe-et-Moselle, V 8.

In 1798 there were 28 Jewish families in Dijon; in 1820, 45; in 1830, 59; in 1840, 65 families. One hundred and ten out of 233 Jews, according to a Dijon census of 1809, were born in Dijon itself.[34] It seems that most of the Alsatian Jews who settled in Lyon (Rhône) during the Revolution also came from communities that had suffered anti-Jewish riots.[35]

Many more places of the eighteenth century Metz province and of Lorraine (which later formed the departments of Moselle and Meurthe), where few Jews lived during the old regime, became large Jewish communities.[36] On the other hand, in many other places where only a few Jews had been tolerated during the old regime no Jews remained in 1806-1808.[37] In the Lower Rhine 5 Jewish communities with a total of 228 Jews, according to the census of 1784, had completely disappeared by 1806, according to a census of August 15 of that year.[38]

The Jews took advantage of their hard-won freedom of movement to settle in new communities, but not in a very large number of new places. In 1784 Alsatian Jews lived in 182 communities and in 1808 in 203 communities. In Lorraine the number of Jewish communities was increased

[34] Departmental archives of Côte-d'Or, L 495; census of Dijon, 1809 (in the General Historical Archives of Israel, Jerusalem); Clément-Janin, *Notice sur la communauté israélite de Dijon* (Dijon, 1879), pp. 67-69; Anchel (*supra*, n. 22), p. 40.

[35] Anchel, p. 40.

[36] *E.g.*, Fenetrange—10 families in 1762, 101 persons in 1808; Forbach—9 families in 1762, 314 persons in 1831; Gosselming—1 family in 1762, 48 persons in 1808; Lixheim—14 families in 1762, 190 persons in 1808; Loudrefing, 1 family in 1762, 27 persons in 1808; Phalsbourg, 18 families in 1787, 220 persons in 1808; Schalbach—5 families in 1762, 85 persons in 1808; Thionville—2 families in 1788, 306 persons in 1808. According to registries of taxes in the Metz province prior to 1789 (in the Library of the Jewish Theological Seminary, New York, N. Y); the printed lists of Jewish communities permitted to exist in Lorraine, 1753, 1762 and 1775; Moselle census of 1808 (Jewish Theological Seminary Library); Meurthe census of 1808 (General Historical Archives of Israel, Jerusalem).

[37] For example, Achâtel, Alincourt, Anzeling, Burst, Baudrecourt, Boudanges, Chicourt, Domnon-les-Dieuze, Edling, Fameck, Frémestroff, Grening, Halstroff, Imeldange, Lemersdorf, Liauvillé, Malzéville, Méy, Petite-Rhorbach, Solgne, etc. See the sources listed *supra*, note 36.

[38] Berg, Otterswiller, Ottrot-le-Haut, Avenheim, Le Fort-Vauban (departmental archives of Lower Rhine, 7 M 190).

by 117. In 1808 Jews lived in only 18.2 percent of the communes of both Alsatian departments and only in 6.0 percent of the communes of Moselle, Meurthe, Meuse, and Vosges. The tendency was to settle in already well-established communities, or in larger cities where new communities were created.[39] This conclusion was reached on the basis of the number of Alsatian Jewish communities on the eve of the Revolution and during the First Empire. A more detailed analysis on the basis of Jewish population movements in these communities confirms the following finding: Between 1784 and 1806-1808 the number of Jews increased in 116 communities and decreased in 64 communities. In 3 communities the number of Jews remained the same. Seventeen communities disappeared, and Jews settled in 32 new communities, where none had lived before the Revolution.[40]

For economic reasons, and also as a result of greater intolerance toward Jews in smaller settlements, Jews started early to leave the villages for the cities. This touches on the problem of the so-called "productivity" of occupations held by Jews, which is not under consideration here. It should, however, be noted that at the time of the Jewish emancipation, when Jews were for the first time permitted to become landholders, the general tendency to leave the village for the city had already formed.[41]

V

Larger Centers Avoided by Jews

It is a surprising fact that after the emancipation a number of old, established Jewish communities, some of them in large cities, attracted relatively few Jews. This occurred first in the Sephardic communities of southwestern France.

[39] Posener (*supra*, n. 27), pp. 286-88.

[40] On the basis of the Alsatian censuses of 1784, 1789 and 1806-1808.

[41] Szajkowski, *Poverty and Social Welfare among French Jews*, 1800-1880 (New York, 1954), pp. 11, 73-74.

There were, in Bordeaux in 1752, 1,598 Sephardic Jews (327 families), not including Avignonese, Ashkenazic, Italian, and other "foreign" Jews. According to a census of December 5, 1806, 2,131 Jews lived in Bordeaux, and only 1,651 of them were Sephardim. This means that in a period of over 150 years the Sephardim in Bordeaux increased by only about fifty persons. The number of Jews in Saint-Esprit-lès-Bayonne was estimated in 1723 at 1,100. According to a census of 1809, only 1,173 Jews lived there. The smaller Sephardic communities of Bidache, Peyrehorade, Saint-Jean-de-Luz, and other nearby places almost completely disappeared during the revolutionary period. The natural increase of the Jewish population in these communities was limited. In addition, immigration of new Marranos from Spain and Portugal, which continued even during the eighteenth century, had almost completely stopped, while at the same time a large number of Jews continuously emigrated from these communities. This emigration explains the seemingly low mortality in some Sephardic communities, e.g., in Peyrehorade, where 119 births and only 30 deaths were noted during the period 1793-1879.

During the revolutionary period traces of Marranos completely disappeared in such cities as La Rochelle, Nantes, Rouen. There is no doubt that many of them lived there prior to 1789 but no trace of them is to be found among the Jewish families residing there during the First Empire. They may have emigrated or, if they remained there, isolated themselves from the Jewish communities that consisted of newly arrived Jews, mostly from Ashkenazic communities. This applies to Dax, Toulouse, and other places, where there is no record of former Marranos during the First Empire.[42]

A substantial number of Jews emigrated from Bordeaux during the Revolution, some even to foreign countries. Among them were Sephardim who had escaped from the French colonies and then tried to settle in American coun-

[42] Szajkowski, "Population Problems of Marranos and Sephardim in France, from the 16th to the 20th Centuries," *Proceedings of the American Academy for Jewish Research,* XXVII (1958), 83-105. Records of the Jewish population in Peyrehorade (General Historical Archives of Israel).

tries. In Saint-Esprit-lès-Bayonne, near the Franco-Spanish frontier, a surprisingly large number of Jews applied for permission to leave for Bordeaux and other French cities. For this the Jews of Bordeaux and Saint-Esprit were severely criticized by the revolutionary authorities, although emigration with official approval was not illegal.[43]

The historian S. Posener noted correctly that "following the granting of freedom of movement and settlement, the Jews of Alsace and Lorraine flocked to cities where there already were large numbers of their co-religionists."[44] However, there were many exceptions, for example, in the traditionally large Ashkenazic center of Metz, where the number of Jews did not rise as a result of emancipation in the same proportion as it did in Strasbourg, Nancy, and other large provincial centers. Only 29 new Jewish families settled in Metz between 1793 and 1806. The total number of Jewish families there decreased from 550 (3,025 persons) in 1789 to 503 in 1800 and 456 (2,186 persons) in 1806. The number of marriages also dropped, 21 in 1798-1800 as against 44 in 1787-1789; and the number of births to 182 in 1798-1800 against 199 in 1787-1789. On the other hand, the population of the Jewish communities in the district of Metz increased from 447 families in 1789 to 550 in 1800, in spite of a decrease in the number of marriages and births in the district (21 marriages and 85 births in 1789 as against 25 marriages and 111 births in 1788), and the rise of mortality (62 in 1789 as against 48 in 1788). We may then conclude that during the old regime many Jews lived in Metz because they were not permitted to reside elsewhere. After the emancipation more Jews settled in the smaller communities around Metz than in this departmental capital itself. A very large number of old settled Jews emigrated

[43] Szajkowski, "Jewish Emigration from Bordeaux during the Eighteenth and Nineteenth Centuries," *Jewish Social Studies*, XVIII (1956), 120-121; a register of requests for passports, in the city archives of Bayonne, 58 L—1*; A. Ducaunnes-Duval, *Inventaire sommaire des archives municipales. Période révolutionnaire*, II (Bordeaux, n.d.), 337; Ernest Ginsburger, *Le Comité de surveillance de Jean-Jacques-Rousseau, Saint-Esprit-lès-Bayonne* (Paris, 1934), p. 180.

[44] Posener (*supra*, n. 27), 281.

from Metz, not only to Paris and other large cities, but to small communities as well. According to a tax register for the period March 23, 1795-August 26, 1798, of the 1,036 Jews of Metz origin and of the former Metz province who paid taxes, only 478 of them still lived in Metz proper, and 558 resided in other communities of the former Metz province or in new communities. Eighteen years later, in 1816, only 176 out of 826 descendants of Jews of Metz paying the tax lived in Metz itself.[45]

Jews did not settle in certain large cities from which Jewish merchants had been harshly expelled during the old regime. In Orléans (Loiret) only 7 Jews had settled by 1806 (61 in 1851); in Cognac (Charente), 3 by 1851; in Saintes, La Rochelle, Rochefort (Charente-Maritime), 4, 36, and 27, respectively, by 1851; in Poitiers (Vienna), 24 by 1851; in Narbonne (Aude), 9 by 1851, etc.[46] In 1737 the Christian merchants of Aurillac (later in the department of Cantal) tried to prevent Avignonese Jews from trading there; in 1851 only two Jews lived there.[47] There may have been many reasons for this aversion to settling in these places. The emancipation made it possible for many Jewish merchants to be discriminating in their choice of residence in the interior of France. However, we can test one of the reasons suggested by examining the cases that seem exceptions to it. Dijon, as has been noted, became a large Jewish community. So did Nantes, where a tavern-keeper came under suspicion in 1783-1786 because a Jew lived in his house (in 1846, 146 Jews lived in the city).[48] On the eve of the Revolution the corporations of

[45] V. Colchen, *Mémoire statistique du département de la Moselle* (Paris, an X), pp. 54-55; *Archives israélites,* IV (1843), 640; XXIX (1869), 196; S. Posener, "Les Juifs sous le Premier Empire," *REJ.*, XCIV (1933), 161-63; documents of the Jewish communities in France during the Revolution of 1789; Metz, no. 51, fol. 518 (Library of Hebrew Union College, Cincinnati).

[46] Szajkowski, *Historia Judaica,* XIX (1957), 147-49; *Statistique de France* (census of 1851).

[47] Departmental archives of Puy-de Dôme, C 817.

[48] Léon Brunschvig, "Les Juifs de Nantes et du Pays Nantais," *REJ.*, XVII (1888), 141; census of Nantes, 1846 (General Historical Archives, Jerusalem).

jewellers and dealers in old clothes requested the expulsion of Jews from Montpellier. In 1809, 124 Jews lived there.[49] In Toulouse, where the Jews perished in an auto-da-fé in 1685, there were 107 Jewish inhabitants in 1808.[50] However, it should be noted that in Dijon, Nantes, and even Montpellier and Toulouse the Jews who settled after 1789 were mostly Ashkenazim, as registries show. The conflicts during the old regime on the right of residence of Jewish merchants in these cities involved Sephardim and Jews of the papal province who had settled in Bordeaux. In conclusion, it appears that the Ashkenazim were a more important factor than the Sephardim in producing full geographical emancipation of the Jews. The Jews of the papal province who did not settle in Bordeaux also created large new communities, such as that in Aix (169 Jews in 1809).

Even some new centers of Jews from the former papal province were created with the help of Ashkenazim. In 1788 there were 170 Jews in Nîmes (37 families). Forty out of 224 names mentioned in the Nîmes register of the Jewish *état-civil* (1778-1792) bear the family name Allemand, which indicates that they were of Ashkenazic origin.[51]

Ten Jewish families settled in Lamanche, Neufchâteau, Charmes, and Saint-Dié (in the Vosges) from 1775 until 1789; the number reached 80 in 1808.[52] However, in some isolated areas of the Vosges, where Jews used to visit for business, they settled very late. In Gérardmer, a market center for Jewish horse and cattle dealers, there were only about 25 Jewish families 150 years after the emancipation.[53]

[49] Salomon Kahn, "Les Juifs de Montpellier au XVIIIe siècle," *REJ.*, XXXIII (1896), 294.

[50] J. Gross, "Les Juifs de Toulouse," *Revue des Pyrénées*, XVIII (1906), 267. The event of 1685 will be the subject of a special study.

[51] Szajkowski, "The Reform of the Etat-Civil of the French Jews during the Revolution of 1789," *Jewish Quarterly Review*, XLIX (1958), 73.

[52] Archives nationales, F 19-11010; Anchel, *op. cit.*, p. 39.

[53] Louis Géhin, "Gérardmer à travers les âges," *Bulletin de la Société philomatique vosgienne*, XVIII (1893), 221.

VI

Immigration of Foreign-Born Jews

From the outbreak of the Revolution persecuted men everywhere rallied around the banner of France, and Paris became a center for political refugees dedicated to the liberation of their native countries.[54] In such an atmosphere the Jews could very well point out that by granting them full citizenship France would attract a large number of Jews from abroad, who would enrich the nation's economy. The same argument was made by an English woman, author of a pro-Jewish pamphlet (1790), and by the deputy Charles-François Bouche in his proposal concerning Jews, which he put forth in connection with the annexation by France of the papal province of Avignon and Comtat Venaissin.[55] However, the anti-Jewish elements warned that a consequence of Jewish emancipation would be an influx into France of a multitude of German and Polish Jews. P. Arlés the elder of Lyons wrote to the National Assembly on January 4, 1790, that a million Jews would invade France.[56] In April, 1790, a section of Strasbourg issued a similar warning.[57] On May 4, 1790, the city council of Lixheim viewed with alarm the "bands of German, Polish, Turkish and other Jews, who arrive daily in squadrons."[58]

At the time of the First Empire Jean-Charles-Joseph Laumont, prefect of Lower-Rhine, claimed that since the beginning of the Revolution a large number of Jews had arrived in France. However, this was later contradicted

[54] Albert Mathiez, *La Révolution et les étrangers* (Paris, 1918), pp. 4-12.

[55] *Pétition . . . (supra,* note 14), pp. 23, 28-30; La Baronne de Vasse, Angloise, *Mémoire à l'Assemblée Nationale* (Paris, 1790), pp. 2-3, 7; Charles-François-Bouche, *De la restitution du Comté Venaissin, des villes et état d'Avignon* (Paris, 1789), p. 38.

[56] Georges Bourgin, "La Fonction économique des juifs," *Souvenir et science,* III (1932), nos. 3-4.

[57] P. Hildenfinger, "L'Adresse de la commune de Strasbourg . . . ," *REJ.*, LVIII (1909), 124. Names of a few foreign Jews are mentioned in the published lists of foreigners, *e.g.*, Nath. Maas and his daughter Rachel: *Tableau des déclarations reçues par le comité de la XIe section . . . des étrangers . . .* [Strasbourg, 1793], broadside.

[58] Bibliothèque Nationale Paris, naf. 22706, fols. 203-204.

by E. Coquebert de Montbret, who stated in a study on Jews in France (1821) that as early as 1789 it had been alleged without proof that a third of all Alsatian Jews had been born abroad.[59]

There is no doubt that a number of foreign-born Jews settled in France during the Revolution, but their number should not be exaggerated. During the Terror Jews were arrested in Paris as suspected foreigners. Some of them proved that they had resided in Paris for over twenty years, or that they had been born in France.[60] In Metz only eight or ten of forty-three Jews who settled there between 1789 and 1808 were foreign-born. Not one of the 306 Jews (56 families) who settled between 1789 and 1808 in Thionville was born abroad. In the entire department of Meurthe (with 3,289 Jews in 1808) only 20 Jewish families from abroad settled there between 1789 and 1800. In 1806, 20 out of 273 Jews of Fegersheim were foreign-born; in Mutzig, 9 out of 313; in Osthoffen, 5 out of 78. However, no details on the dates of their arrival are available.[61] S. Posener states that "not over" 2,000 foreign Jews came to Alsace between 1784 and 1810. This conclusion was not reached on the basis of statistical data but by the following reasoning: From 1784 to 1810 the number of Alsatian Jews rose by about 6,000. As the natural increase—according to Posener—totaled 4,625 in twenty-five years, the remaining increase was a result of immigration.[62]

In the eighteen-seventies foreign-born Jews formed a large percentage of French Jewry. According to an official government census of 1872, there were then in Paris 23,434 Jews. A census of the Jewish consistory of the same year

[59] J.-Ch.-J. Laumond, *Statistique du département du Bas-Rhin* (Paris, an X), p. 198; [E. Coquebert de Montbret], *Notice sur l'état des israélites en France* (Paris, 1821), p. 78.

[60] L. Kahn, *Les Juifs de Paris pendant la Révolution* (Paris, 1899), pp. 109-110.

[61] Anchel, *op. cit.*, p. 39; departmental archives of Lower Rhine, 7 M 190.

[62] Posener, "L'Immigration des Juifs allemands en France sous le Premier Empire," *Univers israélite*, March 10, 16, 23, 1934; *idem*, "Les Juifs sous le Premier Empire: les colporteurs, *ibid*, October 8, 1937; *idem* (*supra*, n. 27), pp. 292-93.

gives the place of birth of 10,185 Jews. Of these 2,333 were born abroad.[63]

VII

Internal Migrations

As a result of emancipation entire Jewish communities immigrated to other places. A striking example is provided by the district of Altkirch (Upper Rhine). According to official censuses, 3,964 Jews lived there in 26 communities in 1789 and 4,345 Jews in 24 communities in 1807. The total population of Christians and Jews in these communities was 74,474 in 1789 and 94,374 in 1807. In 1807 no Jews resided in Zimmersheim, Struet, Dietwiller, Waltenheim, and Tagolsheim, while 31, 70, 96, 35, and 19 Jews lived in these towns, respectively, in 1789. In 1789 no Jews resided in Altkirch itself, but by 1807, 55 Jews had settled there, and in 1851 the number was 267. (The total population of Altkirch, the main city in the district, was 1,134 in 1789, 2,268 in 1807, and 3,611 in 1851.) In many other communities of the Altkirch district the number of Jews declined: from 121 in 1789 to 115 in 1807 in Hirsingen, from 198 to 195 in Blotzheim, from 320 to 299 in Hagenthal-le-Bas. In most communities where the Jewish population declined between 1789 and 1807 the total population increased: in Zimmersheim, from 384 to 426; in Struet, from 331 to 391; in Dietwiller, from 449 to 500; in Tagolsheim, from 230 to 245, etc.[64] By 1808 (or 1809) the last Jewish family of Dangolsheim (Lower Rhine) had already left the village.[65]

In 1809, of 2,908 Jews (840 families) living in Paris, only 1,324 had been born there. Of the others 273 had lived in Paris for twenty years or more; 206, from ten to twenty years, that is, they had arrived in the French capital during

[63] Szajkowski (*supra*, n. 41), pp. 75, 87.

[64] Departmental archives of Upper Rhine, I M 138a & 1.

[65] L. W., "Histoire de nos communautés, Dangolsheim," *Bulletin de nos communautés*, March-April, 1956.

the revolutionary years; 90 had lived in Paris less than ten years.[66]

In 1809, 4 Jewish families resided in Amiens (Somme). Three of them came from Metz and one from the Upper Rhine. After 1789 a Jewish community was founded in Lille (Nord) by Ashkenazic Jews. It seems that few of the first Jewish settlers remained there; most of them emigrated later to other places. A list of consistorial electors of Lille in 1861 contains the names of 55 Jews aged twenty-five or older, of whom only four had been born in Lille itself. Not one of the 22 Jewish Notables of Nantes (Loire-inférieure) in September, 1848, had been born there.[67]

In the papal province of Avignon and the Comtat Venaissin the exodus of Jews from the four communities of Avignon, Carpentras, Cavaillon, and L'Isle-sur-Sorgue started even before the Revolution. In 1789, 705 Jews (179 families) resided in Carpentras, while 213 Jews (50 families) of Carpentras origin then resided in other communities located in France. At first only wealthy Jews were in a position to leave the papal province. The loss of capital and commerce as a consequence of Jewish emigration weighed heavily on the community. To counteract this development non-Jewish opinion came to favor an improvement in the status of the Jews. The Jews of Carpentras feared that the emigration of rich Jews would impose on those remaining the burden of supporting the poor and paying off the communal debts owed to Christian creditors. On July 17, 1791, they petitioned the city council for permission to arrange a meeting of the Jews of Carpentras origin residing in other communities in order to discuss this problem.[68]

[66] L. Kahn, *Les Professions manuelles et les institutions de patronage* (Paris, 1885), pp. 69-72.

[67] City archives of Amiens, register of declarations of names by the Jews, 1809; departmental archives of Nord, V (list of Jewish electors, February 20, 1861), and of Loire-inférieure, V (list of Jewish notables, September 11, 1848).

[68] *Copie de la supplique . . . des Juifs de la commune de Carpentras . . .* (Carpentras, 1791), 6 pp. See also the two contemporary pamphlets on the emigration of Jews from Carpentras: [J. J. C. V. Raphaël, or Cottier Julian], *l'Enfant du patriotisme* [Carpentras, 1789], 13 pp.; F. R. Ch. J. Cottier, *Dialogue* [Carpentras, 1789], 15 pp.

Of about 2,000 Jews living in the department of Vaucluse (formed by the former papal province) prior to the Revolution, only 631 remained in 1808. Twenty-six of the 109 Jews who settled in Marseilles between 1789 and 1808 came from the former papal province. Forty settled in the Gard department (mostly in Nîmes) prior to 1789 and 47 later. Only a few wealthy Jews remained in the former papal province. According to a census of 1809, the wealth of 539 Jews who remained in the four communities was estimated at 1,429,900 francs, while that of 169 Jews who emigrated from these four communities to Aix-en-Provence was estimated at 1,047,000 francs.[69]

In the time of the Revolution and later, the poor Jews of the Carpentras ghetto moved to the upper floors of the houses of rich Jews who had left the ghetto for other parts of France. On November 7, 1797, Escoffier the elder of the Carpentras *Directoire*, advocated the destruction of these upper floors as a menace to public safety. Under the old regime the Jews found a means of expanding the restricted area of their ghetto by building the highest houses in town. During the First Empire half or completely abandoned houses in the former ghettos of the papal province started to fall into ruins and the civil authorities warned their former owners that these houses had to be repaired or demolished. Still, poor Jews continued to inhabit them.[70]

Jews emigrated even from rapidly growing communities. Four out of the 2,908 Jews in Paris (in 1809) had been born in Dijon, 15 in Lyons, 42 in Nancy, 18 in Lunéville. In 1808 a Jew with five children, all of whom had been born in Dijon, was registered in Nancy. There were

[69] Census of the Jews in the regional consistory of Marseille, 1809 (General Historical Archives, Jerusalem); Archives Nationales, F 19-11008; Anchel, *op. cit.*, p. 37; H. Chobaut, "Les Juifs d'Avignon et du Comtat et la Révolution Française," *REJ.*, CI (1937), 11; CII (1938), 38; Szajkowski, "The Growth of the Jewish Population of France," *Jewish Social Studies*, VIII (1946), 180-83; *idem*, "The Decline and Fall of Provençal Jewry," *ibid.*, IV (1944), 31-54.

[70] City archives of Carpentras, Rév. No. 217, reg. 1, fol. 3-4 (Escoffier's request); 44, fol. 50 and FF 19, fol. 27 (on the high houses of Carpentras), 48, fol. 18, 42 (on the ruins); city archives of Cavaillon, Corresp. June 12, 1806 (on the ruins of the Cavaillon ghetto).

14 or 15 Jewish families in Orange (Vaucluse) in 1803; only 3 or 4 of them remained in 1806.[71]

VIII

Various Aspects of the Jewish Population Problem

Many Jews were among the emigrés who left France during the Revolution and some also among the anti-revolutionary elements who were deported. Of 3,956 emigrés in the Moselle department in 1791-1800, 31 or 32 were Jews. Names of 226 Jews appear in the printed lists of emigrés from the Lower Rhine; 8 Jews were among the 2,895 listed emigrés of the Upper Rhine. Not all of them were later able to go back to France.[72]

Were the Jews who, after the emancipation, settled in new communities received in a friendly way by the Jews already there? Probably not. In Haguenau they were called *Neuländer,* and they had their own synagogue.[73]

Another unsettled problem concerns the initial date of the emigration of Ashkenazic Jews to Switzerland and to American countries. Did this emigration, which was substantial in later years, start during the emancipation period?[74] The economic status of the Jews during the emancipation period is not the subject of this demographic study, but both problems are clearly interrelated. New Jewish settlers were often pioneers of local industries. For instance, Israël-Hayemsohn Créhange (1769-1844), one of the first Jews to settle in Sedan, opened a textile factory there in 1796.[75]

The division of former provinces into departments often brought out significant demographic and economic

[71] L. Kahn (*supra,* n. 66), p. 72; Gain (*supra,* n. 32), No. 101, 297-98; departmental archives of Vaucluse, V (report on the Jews of Orange, 1806).

[72] Szajkowski, "Jewish Emigrés during the French Revolution," *Jewish Social Studies,* XVI (1954), 319-34.

[73] E. Scheid, "La Synagogue de Haguenau," *Univers israélite,* XXXVIII (1883), 761.

[74] Szajkowski, "Some Facts about Alsatian Jews in America," *Yivo Bleter,* XX (1942), 312-18 (Yiddish).

[75] *Archives israélites,* V (1844), 754.

differences among Jewish communities. Thus, the number of small Jewish communities was greater in the Lower Rhine than in the Upper Rhine. The Jews of the Upper Rhine were considered wealthier than those of the Lower Rhine. Likewise, in the Sephardic center of southwestern France the Jews of Landes (most of whom lived in Saint-Esprit) were considered wealthier than those of Gironde (most of whom lived in Bordeaux).[76] Only three of the Alsatian communities where Jews were listed for the first time in 1806-1808 were located in the Upper Rhine; all the others were in the Lower Rhine.[77]

The Jewish migrations had a considerable influence on the activities of the Jewish communities during the emancipation and in later years. Thus, the Jews of Alsace, Metz and the Metz province, and of the papal province, or their descendants who emigrated to other places, were forced by law to pay taxes in order to liquidate the debts owed by their former communities to Christian creditors. Adolphe Crémieux, who was born in Nîmes and later settled in Paris, was obliged to pay a tax for the liquidation of the Metz debts because he had married a woman from that community. Over one thousand such cases created a complicated bond through special taxes between the Jewish emigrants and their descendants and the communities of their origin.[78] A large number of communities which, during the old regime, belonged to the Metz province, of which the community of Metz was the largest, were later located in the territory of the Meurthe department, of which Nancy was the largest community.

IX

The Decrease in Large Families

The number of large Jewish families began to decrease during the emancipation period. Three hundred sixty-two

[76] Posener (*supra*, n. 27), p. 283; Szajkowski (*supra*, n. 41), pp. 57, 59.
[77] According to the censuses.
[78] This subject will be treated in a separate study.

out of a total of 3,913 Alsatian Jewish families in 1784 had more than 5 children each; 2,953, from 1 to 5 children each, and the remainder were childless couples.[79] Of 16,398 Jews in Lower Rhine in 1806 there were only 9,849 parents and children, the remaining individuals being childless couples, widowers, and widows.[80] In 1808 there were 51 Jewish families in Lunéville (Meurthe). Ten of them were childless couples; 9 had 1 child each; 16, 2 or 3 children each; 14, from 4 to 6 children each; 6 with 7 children each; 3 with 8 children each; and 3 with 10 or 11 children each. However, Lunéville was a small center with an exceptionally large number of children.[81] While the Jewish community of Metz noted 3,546 births against 2,804 deaths in the forty-two-year period covering 1717-1758, the number of births in the fifty-year period 1759-1808 was almost the same—3,506—against 3,159 deaths. The number of marriages was larger in the first period (1,715) than in the second (1,641). Some demographic findings demand more study before any conclusion can be drawn from them, for example, the annual total of births and deaths. There were, in Metz, 66 births and 72 deaths in 1783; 64 births and 69 deaths in 1785; 61 births and 47 deaths in 1790; but there were 61 births and 132 deaths in 1784, 79 births and 102 deaths in 1788, 46 births and 106 deaths in 1791. However, the winters of the last three years were exceptionally severe. In a later period, at the end of 1833, there were 2,124 Jews in Metz, with only 1,189 children.[82]

E. Schnurman, who wrote on the Jews of Strasbourg at a much later period, ascribed to the local bourgeois tendency to rear small families the lesser increase in the Jewish population than in the non-Jewish population. This tend-

[79] Gabriel Hemerdinger, "Le Dénombrement des israélites d'Alsace." *REJ.*, XLII (1901), 12.

[80] Departmental archives of Lower Rhine, 7 M 190. On the other hand, it should be noted that on October 13, 1823, the Jewish consistory of Lower Rhine called upon poor Jews to think carefully before getting married. Gerson-Lévy of Metz reprimanded poor Jews for having too many children. Szajkowski (*supra*, n. 41), p. 27.

[81] Departmental archives of Meurthe-et-Moselle, V 8.

[82] Coquebert de Montbret (*supra*, n. 59), pp. 79-80; departmental archives of Moselle, V 152.

ency probably existed as early as the emancipation period. However, Schnurman overlooked other factors, for instance, emigration.[83]

Often the number of Jewish families rose while the total number of Jews dropped, probably as a result of a further migration of grown children. On the eve of the Revolution seven families (46 persons) lived in the territory later formed into the district of Uzès (Gard). Ten families resided there in 1808, but their total number was three less than before 1789.[84] In Carpentras 22 Jews died in 1780, 43 in 1783; in Avignon, 4 in 1780, 9 in 1783, 18 in 1785; in Cavaillon, 2 in 1781, 11 in 1782; in L'Isle-sur-Sorgue, 4 in 1781, 18 in 1785. A possible reason for a rise in mortality during certain years is an increase in the number of births and deaths of infants: in Carpentras, 25 births in 1780, 33 in 1783; in Avignon, 7 births in 1780, 10 in 1783.[85]

X

Jewish Population Problems of Later Periods

In later periods Jewish population movements were characterized by most of the trends that were started during the revolutionary period.[86] On the other hand, many population trends, such as migrations from one department to another, were not exclusively Jewish.

Despite the fact that they had the right to move freely, Jews did not begin to settle in large numbers until a very late date, mostly in the eighteen-seventies, in many important centers of industry and trade, such as Lille, Roubaix,

[83] E. Schnurman, *La Statistique de la population juive de Strasbourg* (Strasbourg, 1933), 8 pp. M. Ginsburger noted other factors, *e.g.*, the number of illegitimate children was lower among Jews than among Christians; *Souvenir et science,* IV, No. 2 (1933), 14.

[84] Departmental archives of Gard, 6 V 43.

[85] City archives of Carpentras, GG 47; of Avignon, GG; of Cavaillon, GG 29; of L'Isle, GG 23.

[86] Szajkowski, "The Growth of the Jewish Population of France," *Jewish Social Studies,* VIII (1946), 179-92, 297-318. Also according to a Franco-Jewish Gazetteer, to be published by the author.

Tourcoing. Departments located in regions from which Jews had been excluded prior to the Revolution remained without a single Jew, according to the census of 1872 (Vendée, Côtes-du-Nord, Corrèzes, Lot, Cantal), or had only a handful of Jews (Basses-Alpes—4 Jews, Cher—7 Jews, Maine-et-Loire—12 Jews). Of 89 departments there were in 1866 4 with no Jews at all, 19 with only 1 to 9 Jews in each, 14 with 11 to 24 Jews in each. Only 9 departments had over a thousand Jews each. The situation in 1866 was almost unchanged from that in 1808. In 1808 there were 14 departments with 100-1,000 Jews in each, 6 with 1,000-10,000, and 1 with over 10,000 Jews. In 1866 there were 21, 6, and 3 departments, in the respective ranges. In 1808, there were 44 departments with no Jews at all, in 1866 only 4. However, the number of small communities (from 1 to 100 Jews in each) rose from 22 in 1808 to 55 in 1866.

The Jews continued to concentrate in large cities. In 1809, 47.7 percent of the Jews in the department of Bouches-du-Rhône, were urban residents; in 1872, 83.03 percent. The total population had 56.3 percent urban residents in 1872. Nevertheless, a large number of small Jewish communities continued to exist at all times, although the percentage of Jews living there was very small. According to the census of 1851 Jews lived in 222 capitals of districts, although 107 of them had only from 1 to 10 Jews each, or a total of 345 Jews. The largest number of Jews continued to live in the departments that had been formed from the provinces where most of the Jews lived during the old regime: Alsace, Metz and Lorraine, Guyenne and Gascogne, Ile-de-France, Provence, Languedoc, Comtat Venaissin (45,520 out of 47,166 Jews in 1808; 68,892 out of 73,975 Jews in 1851).

From the end of the seventeenth century until 1936 Jews resided officially in 896 cities and villages of Alsace, Metz and its province, and Lorraine, which during the Revolution, formed the departments of Upper and Lower Rhine, Moselle, and Meurthe. (Both Rhine departments, Moselle, and Meurthe-et-Moselle after the War of 1870-

1871.) Only in 168 out of these 896 places did Jews still reside in 1936. Prior to 1936, Jews ceased to live in 115 places which they had inhabited before 1789. Of the 38 places where Jews began officially to reside about 1806-1810, only 15 had Jewish inhabitants in 1936.[87]

Further studies are needed before definitive conclusions may be drawn on the Jewish population problem during the French Revolution of 1789. It is clear, however, that in spite of local hostility and maneuvering, the revolutionary regime granted freedom of movement to the Jews even before conferring full citizenship on them.

APPENDIX I

A List of Owners of the Alsatian Cities and Villages Inhabited by Jews

Following is a complete list of these owners, together with the number of Jewish communities and the total number of Jews living there in 1784: the King, 9 communities with 1,329 Jews; the King, given *en fief* to Meuse Choiseul, 8—650; the city of Colmar, 1—28; the city of Colmar and the imperial bailiff de Kayserberg, 3—889; Prince Evêque de Strasbourg (i.e., the city of Strasbourg), 16—1,444; Evêque de Spire, 5—291; Abbaye de Neubourg, 2—81; Abbaye de Marmoutier, 2—58; Chapitre Equestral de Mürbach, 3—277; Ordre Teutonique, 1—50; d'Andlau, 7—527; d'Anthès, 1—226; de Behrenfels, 1—409; de Berkheim, 1—152; de Böcklin Böcklinsau, 1—473; Prince de Broglie, 5—442; de Detlingen and others, 2—182; de Deux-Ponts, 3—629; d'Eckbrecht de Dürheim, 4—146; d'Eptingen, 3—759; de Falkenhayon, 1—65; de Falkenstein, 1—59; de Flachsland, 1—340; de Flaxlanden, 4—264; de Gail and de Voltz, 1—94; de Gayling d'Altenheim, 1—71; de Gérardon, 1—181; de Glaubitz, 1—88; de Gohr and others, 1—138; de Gölinitz, 1—41; de Hagenbach, 1—42; de Haindel d'Erlenbourg, 1—206; Landgrave de Hesse-Darmstadt, 21—1,837; Prince de Hohenlohe and others, 6—345; d'Ichtratzheim, 1—72; de Kemfer and others, 1—20; de Klinglin, 3—405; de Krebs and d'Herisheim, 1—163; de Landenberg, 1—162; de Landsperg and others, 3—426; de Meuse Choiseúl, 2—207 (except the 8 communities owned by the King); de Monjoie de Hirsingen, 1—95; Prince de Nassau-Saarbrück, 1—6; d'Oberkirch and others, 1—94; Ocahan, 1—50; de Rath-

[87] Not including the departments of Meuse and Vosges, where few Jews lived before 1789.

samhausen, 4—479; de Reichenstein, 1—201; de Reinach, 4—467; de Rinck, 1—31; Prince de Rohan-Soubise, 6—588; de Schauenbourg, 4—526; de Senozan and others, 7—836; Duc de Valentinois, 5—543; de Waldner, 4—640; de Wangen, 1—52; de Worstatt, 2—192; Duc de Würtemberg, 1—92; de Zorn de Bulach, 1—63; de Zu Rhein, 2—162.[88]

APPENDIX II

The Jewish Aspect of Revolutionary Toponymy

There were revolutionary changes in the Jewish topographical denominations in a large number of cities and villages where names of streets and other places bore witness to contemporary or past residence of Jews.[89] During the Revolution many city councils replaced geographical names of the old regime as well as Jewish names of places with revolutionary names. In 1793 the *rue de Juifs* of Strasbourg became *rue des Droits de l'Homme*; the *Pont de la Porte des Juifs* became *Pont des Droits de l'Homme; Porte des Juifs, Porte de l'Egalité;* and *Quartier des Juifs, Quartier des Droits de l'Homme.* In Metz *rue* and *quai des Juifs* became *rue* and *quai de l'Arsenal. Rue Judaïque* in Bordeaux was changed to *rue de la Déliverance.* In Nice the *rue des Juifs* was broken up into two parts—*rue de la Régénération* and *rue du Bonheur. Rue des Juifs* in Saint-Malo became *rue de la Fraternité.* The name of *rue de la Juiverie* in Meaux was changed to *Quartier du Contrat Social.*[90] But this was not done everywhere. In Lyons, Sélestat, Haguenau, "Jewish" names of streets were unchanged during all revolutionary periods[91] Nor did such cities as *Villejuif* change their names.[92]

[88] Compiled according to the Alsatian Jewish census of 1784, and F.-C. Heitz, *L'Alsace en 1789: tableaux des divisions territoriales. . . .* (Strasbourg, 1860), 32 pp.

[89] Robert Anchel, *Les Juifs de France* (Paris, 1946), pp. 41-57 ("Toponymie juive"). See also the indexes of *L'Intermédiaire des chercheurs et curieux* ("Rues dites des Juifs").

[90] *Délibération du corps municipal de la commune de Strasbourg. Portant une nouvelle dénomination des rues* (n.p., n.d.), pp. 8, 9-10; Jean-Julien Barbé, *Metz pittoresque: les rues et places de la cité* (Metz, 1930), p. 15; P. Bernardau, *Le Viographe bordelais* (Bordeaux, 1844), p. 43; Joseph Combet, *La Révolution à Nice* (Paris, 1912), pp. 206-207; city archives of Meaux, minutes of the city council, vol. XXIV, fol. 190; A. Carro, *Histoire de Meaux . . .* (Paris, 1865), pp. 437, 547; Anchel, *Les Juifs de France,* p. 51. In Rovingo (Italy) the ghetto was given a new name, *Via Libera,* and later *Contrada della Riunione*; Cecil Roth, *The History of the Jews of Italy* (Philadelphia, 1946), p. 433.

[91] C Riffaterre, *Le Mouvement antijacobin et antiparisien à Lyon . . .*, I (Lyon-Paris, 1793), 6, 70, 84, 176-179 ("La Juiverie"); Alexandre Dorlan, *Histoire architecturale et anécdotique de Schlestadt,* II (Paris, 1912), 366 (*rue des Juifs*); Scheid (*supra,* n. 73), pp. 759, 761.

[92] Roger de Figuères, *Les Noms révolutionnaires des communes de France . . .* (Paris, 1901), 125 pp.

The topographical denomination was sometimes used for anti-Jewish propaganda. On May 3, 1791, the *Journal de la Cour* proposed changing the name of *rue de l'Université*, where resided the Bishop Charles-Maurice de Talleyrand-Périgord d'Autun, a partisan of Jewish emancipation, to *rue des Juifs*.[93] It should be mentioned that in later periods the toponymy of the old regime was revised and in many cases a Jewish toponymy was introduced even in places where it had previously not existed.[94]

[93] L. Kahn, *Les Juifs de Paris*, pp. 60-61.

[94] In Ribeauvillé the *Runtzelgasse* became ca. 1861 *Synagogue*, because a synagogue was built there in 1711-1712 and was reconstructed in 1832; departmental archives of Upper Rhine, E 1624; city archives of Ribeauvillé, 269. In 1885 the *Neier Platz* of Ribeauvillé became known as *Place de Juifs* (according to information given by Robert Faller, archivist of Ribeauvillé). In Molsheim the *Petite rue des Juifs* was changed to *Rue Liebermann*, in honor of a converted Jew (information given by Dr. Gerlinger of the city archives). It is worth while mentioning that Rabbi Abraham Andrade was the first to propose to change the name of Saint-Esprit-lès-Bayonne to Jean-Jacques-Rousseau. A Jew of Bordeaux, Tavarez, changed the name of his house from *Le Marquisat* to *Marat*; after the Revolution he reverted to the original name. H. Léon (*supra*, n. 5), pp. 161, 163, 165, 201, 409-410. The well-known Jew, Zalkind Hourwitz, was the author of a project on a revolutionary toponymy for the streets of Paris; Zalkind Hourwitz, "Projet d'une nouvelle carte de Paris," *Journal de Paris*, No. 124, 4 pluviose an VII, pp. 538-40: "La plupart des rues de Paris portent des noms de ci-devant Saints, des noms féodeaux, indécens ou ridicules"; Fr. Bouillier, *Nouvelles études familières de psychologie et de morale* (Paris, 1887), p. 251.

JEWS IN THE ROYAL ADMINISTRATION OF THIRTEENTH CENTURY ARAGON

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DURING the thirteenth century Aragon represented a unique country in Jewish history. While Jews were being expelled from various European states, they were welcomed in Aragon;[1] while papal councils were demanding that Jews wear special garb, the kings of Aragon permitted their Jewish subjects to wear what they pleased;[2] while the Council of Beziers in 1246 threatened to excommunicate all Christians employing Jewish doctors,[3] the Aragonese monarchs maintained a staff of Jewish physicians;[4] while elsewhere laws prohibited monarchs from appointing Jews to public office, during the latter part of the thirteenth century most of the important officials in Aragon were Jews.

That the Jews of Aragon led a good life and held an important place in the official hierarchy during the latter

[1] Azech Abeninach was given five years' grace on all taxes if he would settle in Xativa; Registers of the Crowns of Aragon, manuscript in the State Archives of Zaragoza, 1216-1285 (=R.), R. 19, f. 108. The author used photostatic copies supplied by the Hispanic Institute of the University of Wisconsin. King Jaime I (1212-1276) issued a safe conduct to all Jews wishing to settle in Aragon; A. L. Izaacs, *The Jews of Mallorca* (London, 1936), document No. II. Salomon ben Animar of Fez was specifically invited to settle in Aragon; R. 84, f. 3. Haymon ben Amar Albaraach de Trebalos, another North African Jew, also received a personal invitation to settle in Aragon; R. 40, f. 80 v.

[2] R. 81, f. 87; R. 60, f. 25; R. 46, f. 178-78 v; R. 43, f. 100; R. 204, f. 48; R. 208, f. 12. The Aragonese monarch requested that the Pope prohibit the Aragonese clergy from demanding that Jews wear the yellow badge; Solomon Grayzel, *The Church and Jews in the XIIIth Century* (Philadelphia, 1933), p. 157.

[3] Grayzel, *op. cit.*, p. 333.

[4] Frequently the Aragonese monarchs sent their physicians to foreign potentates, such as one Abraham to treat the eye disease of Alphonse of Poitou, or Samuel Alfaquin to treat the maladies of the Castilian monarch, in 1253 and 1285; cf. George Sarton, *Introduction to the History of Science*, II (Baltimore, 1931-47), 526, 665; R. 56, f. 92.

part of the thirteenth century has been known for many years. What has not been understood, however, is that their favorable situation was dependent upon their position in the government: The Aragonese Jews received favorable treatment and special privileges because they had been instrumental in establishing a royal administrative system that freed the monarch from the domination of the nobility. Aragon was a state in which the nobles could say to the king: "Each one of us is as powerful as you, and together we are more powerful."[5] To ensure his superiority the Aragonese monarch had to institute an administration independent of feudal control. Between 1265 and 1283 he succeeded in developing an efficient administrative system free from feudal interference. In this system the Jews were the basic element.

Types of Royal Officials

Among Jewish royal officials two types are to be differentiated: those who served as court officials and those who left court to represent the monarch either in the provinces or abroad. Of the first category, the physician and the *alfaquin* are the most prominent. Throughout most of the thirteenth century Jewish physicians guarded the king's health. Izaac[6] and Samuel Benevista[7] were the royal physicians during the early period of Jaime's reign (1214-1222), and they were followed by Azach[8] and Jucef Abentreve.[9] King Pedro III (1276-1285) was served by Jucef de Catalayud[10] and Samuel Alfaquin.[11] Jaime II (1291-1327)

[5] Antonio Michavilla y Villa, "Apuntes para el estudio de la vida social de Reino de Valencia en la época de los Reyes de la casa de Aragón," in *III Congres d'Historia de la Corona de Aragón*, II (Barcelona, 1908), 118.

[6] Grayzel, *op. cit.*, p. 63.

[7] Sarton, *op. cit.*, III, 255.

[8] Francisco de Bofarull y Sans, "Jaime I y los Judiós," in *Congres d'Historia de la Corona de Aragó dedicat al Rey en Jaume I*, II (Barcelona, 1909-13): 905; doc. XCIII.

[9] R. 14, f. 143.

[10] Jean Régné, *Catalogue des actes de Jaime I, Pedro III, et Alfonso III, rois de Aragon concernant les Juifs* (Paris, 1911), no. 1844; 1940.

[11] R. 56, f. 92.

was attended by Samuel of Huesca,[12] Juceff Xapricut,[13] Salomon Avenjacob,[14] Samuel Benevista,[15] and Mosse Alatoza.[16]

In the thirteenth century the doctor was more than just a physician; he was a trusted friend and advisor. The doctor, being in almost constant attendance, was able to influence royal actions. An example of this occurred during the minority of Jaime I (1212-1276), when the state was administered by a papal representative who was most unfriendly toward the Jews. The monarch, however, guided by his physician, Izaac Benevista, succeeded in nullifying the effectiveness of most of the anti-Jewish measures.[17]

The exact duties of the *alfaquin* are somewhat of a mystery. It appears that the word *alfaquin* came from the Arabic *al haquim* meaning the doctor. As a title in medieval Aragon it signified "the Learned" and served as a special designation for Jewish officials.[18] The title denoted no particular office, but rather indicated that the person who bore it could do almost anything. Samuel, for instance, is simply called *alfaquimo nostro,*[19] without any further information as to his duties. It does not appear that there were any objections by the nobility to the presence of the *alfaquin* at court.

The leading posts of the second category were those of bailiff and ambassador. The latter position was almost natural for Jews, who usually had command of both Latin and Arabic. Moreover, many Jews had spent their childhood in France, Egypt, or Bagdad.[20]Individuals, such as Maalaux,[21]

[12] R. 89, f. 169.
[13] R. 119, f. 31.
[14] R. 199, f. 120 v.
[15] Sarton, *op. cit.*, III, 451.
[16] R. 223, f. 160 v.
[17] Grayzel, p. 63.
[18] Abraham A. Neuman, *The Jews in Spain,* II (Philadelphia, 1942), 222. The word possibly came from the Latin *facere,* "to do" or "to make," as in the Italian word *fachino,* "servant." Most critics, however, agree that *baquim* is the source of *faquim.*
[19] R. 16, f. 216 v.
[20] José Amador de los Ríos, *História social, politica y religiosa de los Judíos en Espana y Portugal,* I (Madrid, 1874-75), 380.
[21] R. 39, f. 157.

Rabbi Babiel,[22] Astrug Buensenyor,[23] Salomon ben Menasse,[24] and Bondarim Alfaquin,[25] were sent by the monarch to the Arabic states as ambassadors. Others, such as Guive of Calatayud, were sent to Christian countries.[26] The employment of Jews as royal ambassadors was so prevalent that Pope Honorius III, in 1220, asked Jaime to discontinue it.[27] But Jaime I and his heirs disregarded the objections of the papacy. From the documents it would appear that the Aragonese nobility did not oppose the monarch's employment of Jewish ambassadors.

In developing a circle of royal advisors, the monarch chose individuals from all the leading social classes. Jews by no means dominated the king's council. The archbishops and bishops of Zaragoza, Barcelona, Tortosa, and Valencia, leading merchants from Barcelona and Valencia, members of the royal family, and some of the powerful nobility were attached to the court in an advisory capacity. The monarchs also surrounded themselves with foreign advisors. Pedro III had a number of Sicilian "friends" who helped form foreign policy, while Jaime I and Jaime II had Hungarian and Cyprian "friends." Perhaps because of the cosmopolitan nature of the king's council there was no objection to the inclusion of Jews.

Choosing the Bailiff

Members of the Aragonese nobility expressed hostility to Jewish officeholders only when the latter occupied the position of royal bailiff. The bailiff was the most important non-feudal royal official in the state.[28] He was the chief

[22] Ríos, *op. cit.*, I, 397.

[23] Jahuda Bonsenyor, *Los Proverbis de Salomó* (trans. and intr. by Gabriel Llabrée y Quintana) (Palma, 1889), p. xii.

[24] J. Vernet, "Un embajador judio de Jaime II," in *Sefarad*, XII (1952), p. 130.

[25] R. 252, f. 53-53 v.

[26] Régné, *op. cit.*, no. 1746.

[27] Neuman, *op. cit.*, II, 228.

[28] For a discussion of the duties of a bailiff see J. Lee Shneidman, "Jews as Royal Bailiffs in Thirteenth Century Aragon," *Historia Judaica*, XIX (1957), p. 59.

financial administrator of the provinces;[29] he was the foremost and possibly the only royal representative within a given area.[30] At all times the bailiff was the authoritative voice of the monarch.[31]

Since the bailiff was the very symbol of royal authority in the provinces and the cities, the monarchs had to be certain that the person invested with the position would be loyal to the Crown. They could not afford to allow anyone who would serve elements opposed to the royal prerogative to obtain so important a position. Also, in his constant struggle with the nobility, the monarch had to have an administrative system that would give him a financial base from which to counter the feudal forces of the opposition. Since the bailiffs were in charge of the local taxes, the monarch had to appoint a person who would use the revenue in the best interests of the Crown. During the latter part of the thirteenth century, the Aragonese monarchs discovered that their Jewish subjects best suited their needs.

The close connection between the office of bailiff and the financial administration of the state led to the notion that the Jews received posts as a result of granting the king a loan. It is believed that the king, when he sold the taxes of an area, also sold the administration of the area. While this was sometimes true, it is also true that quite frequently a Jew was bailiff in an area the taxes of which were assigned to Christians.[32] The documents indicate that the granting of bailiwicks depended on the king's needs and had no connection with the granting of the right to tax an area. The monarch chose his bailiffs from among many individuals. For instance, when the post of bailiff of Carrera had to be

[29] José María Font y Rius, *Instituciones Medievales Espanolas* (Madrid, 1949), p. 43.

[30] José María Font y Rius, "Origenes de regimes municipal de Catalana," *Anuario de História del Derecho Espanol*, XVII (1946), 247.

[31] Jean-Auguste Brutails, *Étude sur la condition des populations rurals de Roussillon au Moyen-Âge* (Paris, 1891), p. 274; Jean Binimelis, *Nueva História de Mallorca*, III (Palma, 1927), 377.

[32] Shneidman, *loc. cit.*, pp. 60-61.

filled in 1278, the Christian R. Gili and the Jew Abrahim de Porta sought the position. What determined Pedro's choice is not clear from the documents, but he picked the Christian.[33] When Jaime I appointed Muza de Portella bailiff of Murviedro, however, it is quite clear that he was influenced by his mistress Teresa Gil de Bedaura.[34]

Whether the monarch would follow the advice of his mistress or not, however, depended upon the character of the individual suggested. It is quite clear that the monarch desired loyal servants. He was not interested in persons who could do no more than offer gold, for there were many Christian and Jewish merchants who were willing to pay for all sorts of favors. Above all else, the monarch wished to surround himself with officials who would be loyal to him. When he found such an individual, he appointed him for a considerable period of time. Thus Benevist de Porta[35] was bailiff of Barcelona from 1257 to 1267, while Jahuda de Cavalleria[36] served in the same capacity in Zaragoza from 1257 to his death in 1276. During the insurrection in Valencia in 1275 the king sent Jahuda to that southern area to be bailiff.[37] In 1265 Jaime announced that Astrug Jacob Xixos, who had been in the royal service for the past five years,[38] had been granted the bailiwick of Tortosa for life.[39] Xixos was to remain at his post until 1281.[40] In 1268 Mosse Abinbinag was granted life tenure in the bailiwick of Lerida.[41] In each of the major political and economic centers of the state the monarch placed a man who beyond all doubt was above being bribed by the feudal nobility. In most instances, during the latter part of the thirteenth century, these appointees were Jews.

33 R. 41, f. 9 v.
34 R. 19, f. 49.
35 R. 10, f. 35; R. 15, f. 52 v-53.
36 R. 9, f. 17; R. 23, f. 19.
37 R. 20, f. 331.
38 R. 14, f. 116.
39 "Baiuliam Dertuse diebus omnibus vite"; R. 13, f. 27 v.
40 R. 49, d. 93 v.
41 Bofarull y Sans, *op. cit.*, p. 837, doc. LXVIII.

Five Jewish Bailiffs

Perhaps the most distinguished of Jaime's bailiffs was Jahuda de Cavalleria. Jahuda was the wealthiest Jew in the kingdom, so wealthy, in fact, that there was little that anyone could offer him. The king, however, could offer Jahuda something that the Jew's money could not buy, special privileges and protection for all the Jews of Aragon. For this price, a price which the nobles could not match, Jahuda served the Crown. Into his hands was placed the responsibility of financing the kingdom.[42] He was bailiff and treasurer general of Aragon.[43] In this position he was responsible for the economic stability of the country. Jahuda was more than a mere administrator, he was a trusted servant of the monarch. He was the king's representative, and his energies were directed toward the maintenance of royal authority. When the Saracens of Valencia revolted in 1275, Jaime, weary with sixty years of kingship, sent for Jahuda and commanded that he overhaul the royal armies and defend the kingdom.[44] Within the year Jahuda organized the defense of the kingdom and routed the Saracen forces. To add to the general confusion, the Valencians were aided by their Moorish brothers in Murcia. King Jaime died before he could defeat the invaders. Jaime's son Pedro appointed Jahuda governor of the kingdom of Valencia[45] with full authority to conclude the war. Once the situation had quieted, Jahuda left Valencia and returned to his old bailiwick of Zaragoza.[46]

The position of Astrug Jacob Xixos was similar to that of Jahuda. Although not quite as wealthy as the latter, Xixos managed to become one of the more important persons within the state. In 1262 he was appointed bailiff of

[42] Charles Rahola, *Els jueus a Catalunya* (Barcelona, [1929]), p. 23.

[43] Jerónimo Zurita y Castro, *Anales de Corona de Aragón*, I (Zaragoza, 1610), 178 c.

[44] R. 20, f. 331.

[45] Neuman, II, 333.

[46] J. Ernesto Martínez Ferrando, *Catálogo de la documentación relativa al antiguo reino de Valencia* (= Martinez), II (Madrid, 1934), no. 49.

Tortosa,[47] a post which he retained for twenty years.[48] In 1263 he also received the bailiwick of Burrina,[49] which he held for ten years.[50] He also held, at various times, the bailiwicks of Morella and Penyiscola.[51] His position at Tortosa, the main port at the mouth of the Ebro, gave him the power to regulate commerce on that river, while his post at the port of Burrina enabled him to control trade and events in the northern portion of the Valencian kingdom. When the Saracens of Penyiscola revolted in 1270, Jaime appointed Xixos mayor of the city with full authority to re-establish order.[52]

The members of the Ravaya family acquired their influence during a period of internal conflict. When Roger Bernat, Count of Foix, led a group of Catalan nobles in rebellion, Pedro called upon Jucef and Muza Ravaya for aid.[53] Previously, Jucef had been bailiff in the towns of Besalú[54] and Murviedro[55] (the old Greek city of Saguntum). After the outbreak of the revolt, he was appointed chief bailiff in Aragon and Valencia[56] while Muza was appointed chief bailiff of Catalonia.[57] Thus, all administrative authority was concentrated in the hands of two persons. By 1280 the house of Ravaya had the administration of the Kingdom of Aragon in their hands.[58] When Pedro went off to conquer Sicily, Jucef was made supreme bailiff in all portions of the Aragonese state,[59] while his brother became chief scribe of the state.[60] In order to gather his forces for war, Pedro

[47] R. 12, f. 15.

[48] Martínez, II, no. 1294.

[49] Martínez, I, no. 491.

[50] Martínez, I, no. 1409.

[51] Martínez, I, nos. 700, 804, 856; Joaquim Miret y Sans, *Itinerario de Jaime I "lo conqueridor"* (Barcelona, 1918), pp. 411, 444.

[52] *Ibid.*, 483.

[53] Francesch Carreras i Candi, "Caciquisme politich en lo segle XIII," *Boletin de la Real Academia de Buenas Leters de Barcelona,* III (1905-6), p. 73.

[54] Martínez, I, no. 838.

[55] R. 39, f. 49 v.; R. 39, f. 156.

[56] R. 49, f. 70.

[57] R. 71, f. 123.

[58] R. 48, f. 66; R. 49, f. 60; R. 42, f. 179; R. 44, f. 169; R. 48, f. 137; R. 43, f. 92 v.

[59] R. 71, f. 12.

[60] R. 71, f. 123.

gave full command to Jucef.[61] By thus employing the Ravaya family Pedro was able to concentrate his forces. Funds and troops from the various sections of the Aragonese state could be centralized and used when needed. Pedro thus had at his command the energy of the state, and he could use that force either to put down a feudal rebellion or to engage in foreign conquest. Leaving the Ravayas in charge of the state while he went to conquer Sicily, Pedro could feel secure in the knowledge that his kingdom was being administered in his best interests. He also knew that, should an emergency arise, the Ravayas could muster a military force from the Jewish population.[62]

Thus, the position of bailiff transcended an office capable of being sold to the highest bidder. The king needed loyal officials in responsible positions, and since the Jews depended on the monarch's liberality for all their privileges,[63] they were willing to give him the loyalty he sought.

The authority the bailiff exercised readily aroused the hostility of the nobles. However, since neither Christian nor Moor could bring action against a Jew, any attempt to remove a Jewish bailiff required the active co-operation of the bailiff's coreligionists. In 1272 two German Jews and some native Zaragozan Jews attempted to have Jahuda removed by charging him with usury. The trial was held before Jaime, who found his official innocent.[64] Legal action was also instituted to remove Vives Abenvives. The Abenvives family was dedicated to royal service. Azac,[65] Jucef,[66] Samuel,[67] Thomas,[68] and Vives served the Crown in one way or another. Of the group, Vives was the most prominent. Originally, he was a tax collector at Leria;[69] but in April of 1269 he was called upon to administer the area of Al-

[61] R. 48, f. 66.
[62] R. 46, f. 206.
[63] Shneidman, p. 66.
[64] Rahola, p. 24.
[65] R. 51, f. 43-43 v.
[66] R. 16, f. 249.
[67] R. 59, f. 100; R. 194, f. 159.
[68] R. 56, f. 57.
[69] Martínez, I, no. 756.

fandech, after all others who attempted it had failed.[70] Vives soon restored order to the region. Indeed, he was so successful that Leria, Riborroja, and Algeciras[71] were added to his jurisdiction. His activities in behalf of the Crown led to a conspiracy against him by four Jews and a Moor, who claimed that he had charged usurious rates on money he loaned them to pay taxes. The plot succeeded; on August 12, 1270 Jaime suspended Vives and placed him on trial.[72] There does not appear to be any record of the trial, but Vives was probably acquitted, for seven months later he again was the bailiff.[73] On February 26, 1274, Vives was once more removed on a similar charge, and Pedro de San Clemente was appointed in his stead,[74] but on August 9, 1274 he was cleared of all charges and reinstated in his position.[75]

The duties of the bailiffs, the actions of the various individuals who held the office, and the attempts by various parties to remove efficient administrators would tend to indicate that the office was of such character that it could not be placed on the auction block. The persons who received the bailiwicks were not given their office because they had purchased the right to farm the area's taxes. The bailiff was a loyal, trustworthy official who served the best interests of the monarch. That it was profitable to be bailiff was simply an added attraction.

Economic Considerations

The documents indicate that the privileges and immunities which the Jewish population received, stemmed, not from the value of the gold they contributed to the Crown, but from the services rendered the Crown by Jewish

[70] J. Toledo Girau, "El Castel i la Vall d'Alfandech de Marinyén," *Boletin de la Sociedad Castellonese de Cultura*, XVI (1935), 412.

[71] R. 35, f. 140; R. 37, f. 14.

[72] Girau, p. 416.

[73] Martínez, I, no. 1067.

[74] Martínez, I, no. 1672.

[75] Martínez, I, no. 1721; Miret y Sans, p. 506; R. 19, f. 156; Joseph Jacobs, *Sources of Spanish Jewish History* (London, 1894), no. 558.

officials. Just as gold did not prevent the expulsion of Jews from England and France in the thirteenth century, or from Spain and Portugal later, so too it would not have prevented the monarchs of Aragon from seizing Jewish goods and expelling their Jewish subjects had they been so inclined. The kings needed the Jews for something besides money; they needed them to represent royal authority in an area that had never really known a central organization.[76]

Since the question of wealth has been inextricably linked with any discussion of the position of the bailiff, it is not amiss to inquire whether there exists a valid connection.

By the thirteenth century Aragon was one of the leading commercial powers in the Mediterranean area. A close scrutiny of the documents reveals that the Jews did not occupy a dominant position.[77] It indicates further that they did not hold a dominant position in industry.[78] Christians and Moors as well as Jews engaged in all forms of business, and they, too, accumulated great wealth. Yet the monarch, though he borrowed from his Christian subjects, did not invest them with the bailiwicks. While it is true that the Jews paid taxes, there is no indication that

[76] For a discussion of the governmental organization of the Crowns of Aragon see Manuel Lasala, *Examen historico-foral de la Constitutión Aragonesa,* 3 vols. (Madrid, 1866-71); Victor Balaguer y Cirera, *Las instituciones y reyes de Aragón* (Madrid, 1896); Jímenez Soler, *La edad media en la Corona de Aragón* (Barcelona, 1930); M. S. Bove, *Instituciones de Catalunya* (Barcelona, 1894).

[77] Giovanni di Guiberto (ed. by Hall-Cole, Krueger, Reinert and Reynolds), *Documenti e Studi per le Storia del Commercio e del Diritto Commerciale Italiano,* I (Genova, 1939), 134-6, 156, 165, 188, 296; II, 78; Antonio de Capmany y de Montpalau, *Memorias Historicas sobre la Marina, Commercio y Artes de la antigua ciudad de Barcelona,* I (Madrid, 1772-92), 127, 129-35; I, 2, pp. 29, 47, 141; II, 88, 468; III, 96, 179, 200-18; Louis Almerich Sellarés, *Barcelona y el Mar* (Barcelona, 1945), *passim*; Francisco P. Quecedo, "Influencia diplomática y económica de Espana en Tierra Santa," *Hispania,* IX (1949), 3-4 ff.; Prospero de Bofarull y Mascaró, "Coléccion de documentos inéditos del Archivo General de Corona de Aragón," *Documentos inéditos de la Corona de Aragón,* 41 vols. (Barcelona, 1847-76), VI, 230-232; R. 13, f. 207 v; R. 16, f. 179; R. 39, f. 188 v; R. 40, f. 99 v.

[78] Pau Vila, "*Assaigs* d'un localizacio de les industries antiques a Catalunya," *Estudis Universitaris Catalans,* XVII (1931), 56; Vincente Branchat, *Tratado de los derechos y regalías que corresponden al real patrimonio en el Reyno de Valencia,* I (Valencia, 1874), 244-250.

they received their administrative posts because of the amount they contributed to the royal coffers.

It is impossible to prove that the monarch was dependent on his Jewish subjects for money. He found a source of liquid capital in the merchants of his thriving ports. In 1257 King Jaime borrowed 6,750 sueldos from Eximo de Foces,[79] 2,135/—from Berenguer Dalmau[80] and 9,500/— from Ramon de Mirambell.[81] The following year he borrowed 1,220 /— from Dalmau,[82] 10,000/ from Arnaldo de Romani,[83] and another 10,000 sueldos from Pedro Zapata.[84] In 1266 this same monarch borrowed 30,000 morabatins from the widow Berenguela Alfonso;[85] on May 9, 1276, he received a loan of 6,000 sueldos from Gil Martin de Oblitis.[86] Later that year he borrowed the huge sum of 40,000 sueldos from De Romani.[87] Merchants from all the leading houses eagerly loaned the monarch money. He could also borrow from his son-in-law, Artaldo de Alagon,[88] and from the nobles.[89] If necessary, he could look to his fellow monarch in Navarre for a loan, as Jaime did for 100,000 sueldos.[90] But though these merchants and nobles served as mayor or justice, or held feudal offices, none save Arnaldo de Romani ever secured a permanent bailiwick.

From the documents, furthermore, it is evident that the tribute paid by the Jews during the period when they held the high administrative posts was lower than the taxes they paid during the fourteenth century when they were excluded from the bailiwicks. During the period when Jews were most prominent in the administration, the highest

79 R. 10, f. 22 v.
80 R. 10, f. 14.
81 R. 10, f. 27.
82 R. 10, f. 64.
83 R. 10, f. 66.
84 R. 10, f. 66 v.
85 R. 15, f. 24 v.
86 Martínez, I, no. 2000.
87 R. 35, f. 16.
88 Martínez, II, no. 1331.
89 Martínez, II, no. 1874.
90 James I, King of Aragon, *Chronicle of King Jaimes I of Aragon*, trans. by Forster, I (London, 1883), 248.

tribute paid was 200,000 sueldos.[91] As late as 1282, when Aragon was faced with invasion, the tax remained unchanged.[92] Six years later, however, when most of the Jews had been removed from their administrative posts, the tax was 800,000 sueldos.[93] In that year Catalonia alone paid 200,000 sueldos.[94] In 1323 the Jewish population of Catalonia was forced to pay half a million sueldos.[95] Thus, there does not appear to be any relation between the amount of money paid in taxes by the Jews and the number of administrative offices held by them.

If we accept the word of Jaime I in the explanation of the financial plight of his father[96] and believe that the Jews received privileges only in return for their loans, then we should expect to find many Jewish administrators at the beginning of the thirteenth century. The documents do not support such an assumption. Besides the royal physicians, we find Abrahim, treasurer of Zaragoza;[97] Bondia, treasurer of Aragon;[98] Salomon Bonofos, bailiff of Catalonia;[99] Perfectus, who is referred to as bailiff of the Kingdom;[100] Salomon Vidal, treasurer of Zaragoza,[101] and Salomon Zaragozano, bailiff of Huesca.[102] With the possible exception of the last two, most of the duties of these officials centered around the court. It is only after 1257, and especially after 1265, that there is a concentrated effort on the part of the monarch to centralize authority by means of Jewish administrators. Between 1265 and 1283, however, there are

[91] R. 44, f. 183.

[92] R. 59, f. 51; R. 59, f. 78; R. 59, f. 121 v.

[93] Régné, no. 1677.

[94] R. 56, f. 122 v.

[95] R. 222, f. 47.

[96] "All the revenues my father had in Aragon and Catalonia were pledged to the Jews . . ."; Jaime, I, 201.

[97] Bofarull y Sans, p. 832.

[98] *Ibid.*, p. 832.

[99] Fritz Baer, *Studien zur Geschichte der Juden im Königreich Aragonien während des* 13. *und* 14. *Jahrhunderts*, E. Eberings Historische Studien, CVI (Berlin, 1913), 9 ff.

[100] Bofarull y Sans, doc. I.

[101] Francisco Bofarull y Sans, *Los Judíos en el territorio de Barcelona* (Barcelona, 1910), p. 171.

[102] R. 11, f. 181.

no less than forty-five Jewish officials whose main functions were in the provinces.

Since Jews did not dominate the administrative system when they were supposed to be holding the kingdom in pawn, nor when they paid the greatest amounts in taxes, perhaps the connection between wealth and office was merely coincidental. And when we learn from the documents that Jews were frequently forgiven their taxes,[103] the connection becomes even more remote. Jews collectively and individually were forgiven various taxes. For instance, the Jews of Perpignan and Barcelona,[104] were exempt from the normal feudal levy of feeding the royal household. In Valencia they did not have to pay the monarch for making his annual grant of privileges.[105] Christian and Muslim citizens of Valencia, however, were required to pay the tax. There are even cases in which the Jewish section of the community was not forced to pay taxes while the Christian and Muslim sections were.[106] Jewish officials, such as Muza Abengayet,[107] Abraham of Tudela,[108] Jucef Abenzaprut,[109] Samuel Zareal,[110] and Astrug Jacob Xixos[111] were exempt from all taxes for specific periods of three or four years, or, as in the case of Astrug Ravaya, father of Jucef and Muza, for life.[112] Because of Xixos' service to the Crown, not only he was relieved of the duty of paying any taxes, but also his family and the leading families of Morella, San Mateo, Alcira, and Leria. Jaime II rewarded Muza, the physician who accompanied Prince Alfonso to Sardinia in 1323, by freeing him and the entire Jewish population of Huesca from certain taxes.[113]

[103] R. 11, f. 177; R. 10, f. 117; R. 11, f. 179; R. 11, f. 228; R. 11, f. 233; R. 13, f. 226 v.
[104] R. 11, f. 129.
[105] R. 11, f. 202 v.; R. 11, f. 233.
[106] R. 11, f. 228; R. 12, f. 6.
[107] R. 10, f. 81 v.
[108] Miret y Sans, p. 373.
[109] R. 14, f. 145 v.; Martínez, I, no. 1234; Régné, no. 507.
[110] Régné, no. 509; Martínez, I, no. 1237.
[111] R. 57, f. 180 v.
[112] R. 13, f. 251.
[113] R. 224, f. 58.

From the documents, therefore, it is quite clear that there is no obvious connection between the wealth of the Jewish population and the fact that between 1265 and 1283 most of the royal administrators were Jewish. It is clear, too, that the Christian merchants were as wealthy as the Jewish, yet the monarch did not appoint Christians to the bailiwicks. It is only after 1275, and especially after 1283, when the Aragonese and Valencian nobility refused to defend the country until the Jewish bailiffs were removed, that Christians become prominent in the bailiwicks. Jews such as Jahuda or Xixos were not removed from office, but when they died their positions were filled by Christian merchants.[114] The persons who now held the posts were wealthy. An individual such as Arnaldo de Romani, who was one of the wealthiest of the Valencian merchants, performed the same function as his Jewish predecessor: he aided the Crown in its struggle with the nobility. For his services, Arnaldo received an annual salary of two thousand sueldos.[115] It is quite clear that the monarch's chief aim was to secure loyal servants as administrators. Before 1283 these were predominantly Jewish; after that year they were Christian. But in both cases they were administrators; whether or not they collected the taxes of the area was unimportant. In neither instance did the Aragonese sell the bailiwicks.

In return for their services to the Crown the Jews received special privileges. As the royal physician, Samuel Alfquin, with his parents,[116] was exempt from wearing the degrading yellow Jew-badge. Since he was the royal scribe, Bonastrug de Porta was granted royal protection when the Bishop of Barcelona charged him with making utterances against the Church.[117] Because the king needed his Jewish subjects as administrators and wanted to keep them loyal, he protected their synagogues and sacred books. Because they were a fundamental part of his administrative system, they were given full legal equality with Christians.

[114] Martínez, II, no. 270; R. 48, f. 59.
[115] Martínez, II, no. 136.
[116] R. 43, f. 100; R. 46, f. 178-78 v.
[117] R. 13, f. 265.

Only after 1283, when they were deprived of their administrative posts did their rights and privileges decline.

The Aragonese monarchs attempted to establish an effective system of government free of feudal restraints. To do this they were willing to pay a substantial price. At the same time Jews, living in a semi-hostile world, needed royal protection and were willing to serve the monarch. The monarch, wishing to keep his administrators free from feudal bribes, paid the Jews in coin which was not at the disposal of the nobility—privileges and protection.

REVIEW SECTION

Bible Illustrations

EARLY BIBLE ILLUSTRATIONS: A SHORT STUDY BASED ON SOME FIFTEENTH AND EARLY SIXTEENTH CENTURY PRINTED TEXTS. By *James Strachan.* ...Cambridge University Press. Cambridge, England, 1957. Pp. VIII and 170.

THIS book is the only work of its kind in the English language. The present reviewer cannot recall any volume dealing with this subject other than those in French and German. It reveals the enthusiasm of an amateur, as well as the pitfalls into which an amateur may stumble. The author, let it be said in fairness, acknowledges his limitations and says frankly: "I am neither a biblical scholar nor a historian, and certainly no connoisseur of art. I am a retired Inspector of Schools and what little claim I may have to expert knowledge lies in the domain of Mathematics and Geography. . . . I am fully conscious of the amateurishness of my effort. . . . My excuse must be that as no one better qualified had written this book for me, I had to write it myself" (pp. v f.). The author made the mistake of getting help from several persons except, apparently, from some good scholar in the field of the history of the study of the Bible in the later Middle Ages and in the Renaissance period. From time to time one meets alleged facts as silly as the following: "Rabbi Salomon Raschi [!], who had travelled widely in the East [!], was the leading authority quoted for Jewish interpretations." Here, Strachan might have pointed out in passing that not only Nicholas de Lyra, but likewise Rashi used diagrammatic figures in his Talmud Commentary, and in a few places he employed exegetical diagrams in his Bible Commentary, too.

Allowing for these occasional slips, we must say that this work is a real contribution to the field of Bible illustrations. In ten sections Mr. Strachan deals with the Introduction: The Quest; The Earliest Printed Pictures; Nicolas de Lyra; The Italian Bible of 1490 and Its Successors; The Lübeck Bible; The Czech Bible of 1506; Luther's Bibles; The German Swiss Bibles; French and Dutch Bibles; The English Bibles: History; The English Bibles: Illustrations. One of the most valuable parts of the book is the excellent reproductions of one hundred and twenty-six illustrations (pp. 89-149).

The present reviewer, let it be said modestly, has, for the past thirty years, had direct contact with many of the Bibles mentioned by Strachan. Most helpful are Strachan's consistent tracings of the "lines" and "tradi-

tions" in the copying and repetition of the Bible illustrations from one printing to another. The "Urtext" of most of the repeated diagrammatic pictures seems to be the *Postillae* MSS. of Nicolas de Lyra (pp. 16-22). The first to contain the diagrams in printing was Koberger's edition of 1481—in the private possession of the present reviewer. Koberger had acquired the pictures for the narrative parts from the Cologne Bible (pp. 25 f.). Luther's Bibles have several derivatives from Lyra (pp. 44, 47, 50). The Estienne and the Genevan Bibles follow the tradition from Lyra in the diagrams of the Tabernacle and Temple (pp. 63 f.). The Dutch Bibles contain many of the Lyra pictures (p. 66). As for the English Bibles, Tyndale's Pentateuch of 1531 reproduces the eleven Lyra woodcuts for Exodus as they appeared in Luther's Pentateuch of 1524 (p. 76).

The work under review reads well and interestingly. Because of its good general plan it may well serve as a guide for further investigation, even for the expert.

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HISTORY OF MEDIEVAL RABBINATE

ETUDES SUR L'ORIGINE ET LE DEVELOPPEMENT DU RABBINAT AU MOYEN AGE. By *Simon Schwarzfuchs*. Mémoires de la Société des Etudes Juives, II. Paris, 1957. Pp. 78.

THIS booklet of three related studies on the rise and development of the medieval rabbinate has greater significance than its brevity might indicate. For it treats important subjects with a methodology that is promising. This is particularly true of the second of the three essays.

The first study, "The Jewish King of Narbonne," touches on the intriguing figure of the Nasi of Narbonne in the eighth and ninth centuries. One must say, however, that only a full analysis of all the extant sources can determine how it came about that non-Jewish legal, as well as literary and polemical, writings designated this dynasty of Jewish leaders as "Kings of the Jews."

The second essay, "On the Origins of the Rabbinate in Europe," places the rise of this fundamental institution within the context of general medieval history. The author finds that the rabbinate was essentially, if not uniquely, an urban phenomenon, the appearance of which is attested at the latest by 1220. He dates the emergence of the Jewish community as an urban body at the end of the tenth and beginning of the eleventh century when the institution of *Ḥerem ha-Yishubh* arose. This conferred on the community the right to deny residence to a newcomer. Schwarzfuchs fixes the origin of the medieval

rabbinate also in the eleventh century and dates it between the period of Rashi's youth and his maturity. He sees the Rhineland as the scene of its birth. Rabbenu Gershom was among the first bearers of this title. From the Rhineland, Rashi introduced the rabbinate into France.

The author refers to the contemporaneous rise of burgher communes in the Rhineland. Following Itzhak F. Baer, he points out striking parallels of a juridical nature between the young commune and its coaeval Jewish community. He concludes that the Jewish community participated in the same process of development and emerged in this period as a strictly self-governing entity, its powers limited only to its own members while it insisted on independence from all other non-local bodies. The growth of its affairs created the need for a juridical expert who would safeguard the group's constitution and give direction to its spiritual life. At first he was one of the community's leaders. In time the group came to select and financially maintain such a specially qualified person. In this manner there developed the professional rabbinate. Dr. Schwarzfuchs thus interrelates the rapidly growing town movement of the eleventh and twelfth centuries with the rise of the Jewish community and the origin of its distinctive institution, the rabbinate.

This method has much to commend it and is supported by the characteristic functions of the medieval rabbi. But the author possibly overemphasizes the isolationist tendency in the Jewish community which was so much in evidence in the burgher communes until the rise of town leagues. Rabbenu Gershom was not merely a local personage with authority sharply restricted to the limits of the tiny eleventh century town. Furthermore, regional organizations of Jewish communities in France can be traced back into at least the tenth century, long before the tri-community Spires, Worms, Mayence exercised power over an extensive area.

The author is alert to the possibility that the medieval Jewish community might have been an original creation and not merely a reflection of the burgher commune. This suggests a new approach. After all, in eleventh century Spires the Jews constituted the burgher commune. In contemporary Worms, in tenth century Magdeburg, in ninth century Barcelona and eighth century Narbonne the Jews seem to have formed the predominant factor before the typical urban institutions emerge in the extant sources. In consequence, supplementary forces will have to be sought to explain the democratic movement which eventuated in the community election of its own rabbi.

The last study, "The Chief Rabbinate of France in the Fourteenth Century," presents some new material on the structure of this institution and analyses the well-known controversy between Meir b. Barukh haLevi of Frankfort (and later, Vienna) with Johanan b. Matityahu Trèves of Paris. The conflict broke out when Meir haLevi in Frankfort endowed

Isaiah Astruc b. Abba Mari of Bresse in Savoy with supreme authority over the Jews of France. Johanan appealed to colleagues in Spain whose response forms the basic source material. The author might have noted the essential fact that Savoy at the time stood outside the French king's realm and was claimed by the emperors of Germany.

Dr. Schwarzfuchs identifies Johanan as the son-in-law of Manecier of Vezoul who negotiated the return of the Jews to France in 1360 and was variously entitled *Commissaire et General Receveur* or *Procureur Général* of the Jews in the Kingdom of France. He was dead by 1378. In addition, two Masters of the Law assisted by four other elected Jews probably constituted a supreme governing body (a council of seven if we add Manecier). One of the two Masters of the Law was Johanan's father Mattathias, who was elected by the French communities of the north and confirmed by the King. Upon his death in 1381-82, Johanan succeeded to his father's position, having been elected by the communities and confirmed by the King of France.

Dr. Schwarzfuchs rejects out of hand the first of two explanations for this conflict, namely, that Meir re-introduced the practice of rabbinical ordination as a means of imposing controls. He refutes in a thorough analysis the other theory that Johanan had made himself culpable by accepting appointment from the King of France. He sees the real origin of the conflict in a change in the method of selecting local rabbis. In the fourteenth century, according to the author, eminent teachers still appointed local rabbis without consulting the community's wishes, as, for example, Nathan Eger's appointment of Meisterlin (not Israel Bruna who actually flourished more than a half century later) to Wiener-Neustadt. In time, however, the community came to insist on selecting its own rabbinical head. Meir haLevi took upon himself the prerogative of appointing a rabbi for the communities of France without consulting their will. This naturally provoked an explosion and Johanan's subsequent appeal to the rabbis in Spain.

Since the Meir-Johanan controversy involved national and regional groupings of Jews and not the selection of local leadership, we find more to the point Schwarzfuchs' exposition of the state of fragmentation in European Jewry of the fourteenth century. The consequent threat to Jewish unity was apparent on all sides. Yet the author does not see Meir's activity against this background of decentralization and breakdown in controls. Meir claimed, and apparently Isaac b. Sheshet recognized, that he had the authority to regulate the life of European Jewry through the appointment of national and regional rabbis. The objection of the *Ribash* was, in the first place, that Meir had ignored Johanan, the elected leader of French Jewry, and had chosen an individual who resided outside the boundaries of the French monarchy (Isaac b. Sheshet, *Responsa* [Vilna, 1878] no. 271, p. 148b, 76a).

In addition, it should be noted that in the late fourteenth century

the doctoral degree developed into an honorary title which could be conferred by the emperor on individuals of his choice. The recipient then entered a class of persons entitled to special privilege. The *Doctor legum* moved into the aristocracy with implications possibly also for an exempted tax status. Emperor Charles IV had granted such doctorates (the Hebrew equivalent was the title *Morenu*) in consultation with the scholars of his court. Meir haLevi's position at the Court of King Venceslas, the successor of Charles, is unknown. But Isaac b. Sheshet may be alluding to this practice when he challenged the right of any person to accept authorization (*reshut*, here perhaps the equivalent of *licentia docendi et legendi*) from the king (of Germany) without having previously been elected by the communities (of France). Taking a position similar to Marsilius' of Padua in opposition to the emperor's claims of world hegemony, Isaac implies that no king in his day can claim power over any other king but each insists on the right to appoint his own judges. This, he says, is unlike the political situation in the days of the exilarchs when the King of Persia ruled all lands in fact (*Responsa*, p. 76 b).

This rabbinical conflict of international implications may yet have to be viewed within the context of the competing claims of the kings of France and Venceslas of Germany to the imperial crown, the import of the Jewish people for imperial authority, and the claims to world *imperium* just mentioned. When Venceslas ascended the throne, he communicated that fact to his cousin Charles V of France and alluded to the subjection of all kings and princes to the empire. Charles retorted that such a claim could not be made on France.

In conclusion, one might add that Meir's project seems to have collapsed even before the tragedy that overtook French Jewry in 1394. Apparently in consequence of charges by his own people, Meir was imprisoned in Frankfort. King Venceslas ordered his release and he regained his freedom Adar 23, 5152 (February 18, 1392). The activity and personality as well as the name Meir b. Barukh haLevi suggest a relationship to the famed Meir b. Barukh of Rothenburg who was the Supreme *Magister* of European Jews a century earlier.

Dr. Schwarzfuchs' method of investigating medieval French Jewry as integral to the society of their day opens up new vistas in his present study and offers much promise for his future researches which will be eagerly awaited.

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History of German Jewry

RAHEL VARNHAGEN. By *Hannah Arendt.* East and West Library. London, 1957. Pp. XIV and 222.

THIS excellent publication of the Leo Baeck Institute is a biography of the most brilliant woman of the post-Mendelssohn generation, a salon-heroine who throughout her life tried to extirpate every vestige of Jewishness from her soul but who, paradoxically, has now become the historic symbol of the German Jewess.

Hannah Arendt wrote the greater part of this biography on the eve of Hitler's accession to power and completed the final chapters after her exile from Berlin. Though relating events of more than a century earlier, the biographer was ever aware of dramatic and tragic happenings in her own time. It is not, therefore, the life of Rahel alone that passes before our eyes, but also the life of every Jewess of nineteenth and early twentieth century Germany whose desperate struggle for social acceptance was foreshadowed by Rahel's vain efforts to escape from Jewishness. Because Rahel regarded the fact that she was born a Jewess as her greatest shame, as the source of the misery and misfortune of her life, she felt every insult and every setback all the more keenly.

Rahel's leadership of the Goethe cult in Berlin is discussed but not stressed. Her influence on the Romantic movement is mentioned but not emphasized. Her importance for "Young Germany" is only touched upon in the final pages. All attention is centered on the efforts of an unwilling victim of Jewish birth to divorce herself from her destiny, first, by entering into engagements to a Brandenburgian count and to a Spanish diplomat, then by changing her name from Rahel Levin to Fredericke Robert, and finally, by marrying Varnhagen von Ense, fourteen years her junior and certainly not her intellectual peer or her emotional ideal. Not until her final hours did Rahel recognize that her birth had bestowed upon her blessings as well as burdens. On her deathbed she expressed to her husband her satisfaction that she had not missed the distinction of stemming from Egypt and Palestine.

Rahel's magnificent failure to assimilate is presented as an object lesson and her final insight as the legacy she bequeathed to her younger contemporary Heinrich Heine, her spiritual heir among Germany's Jews and a more valiant warrior for Jewish dignity and freedom.

Hannah Arendt's portrait is less attractive than the glamorized legends of Rahel recorded in most Jewish histories and in some histories of literature, but it is probably nearer the truth. Rahel was neither wealthy nor beautiful nor well educated, but she did possess keen intelligence, sensitiveness, wit, and the ability to impress people. In her mistaken attempts to climb to ever higher rungs of the social ladder by shedding her past, she was not unique but, rather, typical of her Berlin group that was reared in the Age of Enlightenment and that overempha-

sized the role of reason in relationships between human beings. In this group the salon of Rahel for a brief moment brightened the dullness of Prussian severity and austerity. The victory of Romanticism, the rise of German nationalism, and the resurgence of anti-Semitism doomed the salons of the Berlin Jewesses, converted as well as unconverted.

The biographer had access to much unpublished material, especially the rich treasures of the Varnhagen Archive at the Prussian State Library in Berlin. Whenever she quotes from this unpublished material in her text, she reproduces the German original of the letters and diaries in the appendix.

The closing pages contain a good bibliography, which will be of enormous help to a future literary and cultural historian, even though, unfortunately, this bibliography contains no items of the last quarter of a century of research.

SOL LIPTZIN

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VON JUDEN IN MUENCHEN—EIN GEDENKBUCH. Edited by *Hans Lamm*. Ner-Tamid Verlag. Munich, 1958. Pp. 406.

THE title of this book must be taken literally. This is not a history of the Jewish community of Munich nor a continuous narrative of certain aspects of its life. It is a miscellany of well over a hundred short pieces, averaging perhaps three or four pages each, written by Jews and non-Jews, contemporary and a century old, which deal with individual Jews, Jewish institutions, Jewish experiences, and Jewish endeavors centering about Munich. The occasion for its publication is the eight hundredth anniversary of the founding of that city.

The articles in the book are rather arbitrarily divided into those dealing with the history of the Jewish community—the main body entitled "Encounters—Men and Ideas," which comprises just about everything from history, through literature, fiction, social and sociological essays, and memoirs to poetry—and into a final section, which glances at events that befell the community from the time of the First World War through the present post-war period. Obviously, there would have to be a considerable amount of overlapping in subject-matter, but this is not necessarily regrettable, since it affords the reader the advantage of seeing the same phenomenon from a number of different perspectives. It is equally obvious that the quality of so many diverse pieces will vary a good deal. When one looks at the very long table of contents, one's first reaction is likely to be that such a grab-bag of excerpts and *pièces d'occasion*, of impressions and *feuilletons*, could not possibly create a homogeneous picture. However, it must be admitted that the hope of the editor, Dr. Hans Lamm, is fulfilled to a surprising degree, for after

having read a number of the articles, an atmosphere begins to emerge that reflects in some respects the Jewish community of Munich. For this, no doubt, as for the felicity and range of the selections represented in this book, he deserves considerable credit. He has made it possible for the reader to obtain a fair and quite full picture of the good as well as the bad in the history of one German-Jewish community and, since it was on the whole typical of its sister-communities, of German Jewry at large. What is equally valuable, the editor has succeeded completely in presenting the material without insinuating any pet theories of his own or weighting the evidence in favor of pre-determined conclusions, thus leaving the final verdict to the readers who, it must be hoped, will not evade their responsibilities.

A few of the individual pieces should be mentioned if only briefly so that the potential reader may know what is in store for him.

The former rabbi of Munich *Leo Baerwald* sketches the history of the local Jewish community. In only a few pages he manages to survey its life from birth to death with precision and scholarship. Jews may be assumed to have resided in Munich in the twelfth century, for as early as 1210 they had a synagogue in the city. Its last decades, on the other hand, Rabbi Baerwald is qualified to describe, not only by virtue of his scholarly abilities, but also from personal knowledge, as he served his fellow-religionists of Bavaria faithfully and effectively from 1911 until the bitter end. Thus in his book there passes in parade before the historical tribunal Emancipation, monarchy, world war, the ever fascinating though short-lived revolution and Soviet republic, the Weimar Republic with its hopes and cruel disappointments, Zionism, religious liberalism and orthodoxy, social service, education, and the years of horror and of death—truly characteristic pages out of the book of universal Jewish history. *Werner J. Cahnmann* writes an interesting essay on the social structure of Munich Jewry and points out, among other things, that the urbanization of German Jewry, so often commented on, became possible only when metropolitan restrictions on Jewish settlement were lifted—in Munich as late as 1861—and that this trend was greatly stimulated by the new freedom. The conflict between the old established families and the numerous new rural immigrants became one of the persisting facets of the ensuing history of the community. *Rahel Strauss* illustrates how the influx of Jews from Eastern Europe was very largely responsible for turning the German-Jewish congregation from a religious organization into a rounded Jewish society. The text of a famous speech delivered by *Ignaz Doellinger,* then president of the Munich university, in the middle of the last century makes the significant observation that Jews will perforce think in Christian terms when they use a European language that has been formed by a Christian historical civilization. The very first publication of the sainted *Leo Baeck* is here reprinted, and, astonishingly, it turns out to be a short story which,

less astonishingly, concerns itself with the meaning of being a teacher. The historian *Ludwig Feuchtwanger*—a famous name native to Munich —is inadequately represented with a rather shallow refutation of Sombart's superficial theory regarding the Jewish factor in the rise of capitalism. Later on one reads with pleasure the letter *Thomas Mann* wrote to another Feuchtwanger, Lion, on the occasion of a birthday, in which, with a very subtle and sophisticated mixture of friendship, respect, and critical mockery, he sends his congratulations. A number of poems by *Karl Wolfskehl* are sprinkled throughout the volume, and several worthwhile articles, one by *Margarete Susmann,* are devoted to this profound and magnificent writer. Two by now almost classic writers, *Nahum Goldmann* and *Gustav Landauer,* and their compositions are revived in the form of reflections on the Eastern European Jew in the Central European milieu. In a rapid survey of Jewish physicians a moving statement is quoted of *Dr. Spanier,* who survived the Nazi period, to the effect that in the concentration camp a doctor was rid of three annoyances: telephone, taxes, and the need to send bills. *Gerty Spies* documents the power of the spirit by describing the poetic dedication of Elsa Bernstein behind the barbed wire of the camps. Even *Arnold Zweig* is represented, though in a very curious fashion: not a word about his blindly fanatical communist allegiance in East Germany, just a veiled reference to anti-Stalinism, no doubt written during the short "thaw," the pontifical declaration that the Jewish problem is merely one small aspect of "international," no doubt political, problems, and a glorification of Yiddish, which, knowing what one does about the author, can only be interpreted as a slap at Israeli Hebraism.

The famous cantor *Kirschner* takes over for a moment; he experienced the glory and the sadness of officiating at the dedication of the great Munich synagogue in 1887 as well as at its destruction by the Nazis fifty-one years later. Then come the fragmentary and always heartrending reports of the murder of the community. When the holocaust is over, *Erich Lueth* attempts an explanation, if not a vindication, of the highly controversial late Philipp Auerbach. A much too brief and superficial survey of the remnant that were saved closes the book. A great deal of history and a great deal of cultural territory have been covered in the meantime.

The first general problem that one must face in evaluating a book like this is, of course, the Jewish reaction to the German component in it. On the whole it would seem that this reaction would necessarily be strongly negative. On the one hand, various authors claim in these pages that Munich was characterized by a historically liberal and free-minded atmosphere, which was unusually hostile to intense anti-Semitism. *Shalom Ben-Chorin* and others write touchingly of their love for the beauty and the worth of their former home. On the other hand, the first document testifying to the presence of Jews in this city is a list

of Jewish martyrs of the year 1285. Moreover, Nazism did, after all, begin in Munich. And, although one hates to admit it, the strong traces of this heritage have by no means disappeared even in this laudatory collection. When, for example, one runs into a picture of Heuss at a performance of *The Diary of Anne Frank* at the very beginning of the book, a number of questions stir one's heart: Were the English so wrong when, the other day, they gave the cold shoulder to this man, not for any personal reasons, but because to them he represented, not German politics, but the German nation as such? Is there not something a bit suspicious about the ardor with which the Germans have taken to the popular play? Is it not, perhaps, that there is some warm comfort in sitting in a dark theatre, sobbing in self-pity at the cruelty of "those" wicked Nazis, and feeling purified by one's own emotional but practically uncommitted horror at it all? Is Germany as yet entitled to the catharsis of watching a drama?

And then there are the Christian authors, all of them philosemites, who speak up in this book. *Brandenburg's* essential point is that the Jews are, after all, as good as the Germans, and this is always a helpful "good-will" doctrine—even if the parts seem to be inverted. *Roth* injects a nice little note of anti-Americanism into his complaint that some Jews did not resume their former friendly relations with Germans after the war. As one reads *Kuthy's* essay, one wonders how, in a country full of such fine people, there could have been any Nazis at all. The former university president *Vossler* is represented by a speech he made to the Teutonic fraternities in the twenties, in which he graciously argued that they should accept Jewish members because, in the first place, he needed the financial support of Jewish businessmen, and, in the second place, Jews who were eager to fight duels and to engage in drinking bouts proved themselves *eo ipso* to be real Germans. (The request was rejected.) Even Cardinal *Faulhaber's* famous sermons, at least in the excerpts in this book, limit themselves to the expression of sentiments that were as ineffective as they were conventional from the point of view of Christian polemics, in that they praise things Jewish within the confines of the "Old Testament" but never progress to anything in the modern era.

The tragedy of it is that the worst crime the Germans committed against the Jewish community of Munich is that they created the social and moral conditions that have produced the Jewish community of that city as it arose after the war. As those who are at all acquainted with the current situation there know, the pitiful death of Philipp Auerbach is only one small indication of the degradation and shame that fill that Jewish community to this day with vicious internecine quarrels, lawsuits, political machinations, economic corruption, and moral abasement.

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American Jewish History

GENERATION OF DECISION: JEWISH REJUVENATION IN AMERICA. By *Sol Liptzin.* Bloch Publishing Co. New York, 1958. 307 pp.

THE author is widely known both for his thought and his activity in Jewish affairs. His scholarship has ranged freely in the literatures of Europe and America, and his interests encompass large areas of Jewish life. Now he offers us a study of the Jewish experience in America, a study of the changes in America's conception of the Jew and of the Jew's conception of America and of his relation to it, undertaken in the hope of finding the possibilities and conditions for creative Jewish survival here.

Of physical survival there was, during most of our history, little doubt. The Colonial mind repudiated the medieval legacy of the Jew as Christ-killer, ritual murderer, and usurer, and after the Revolution, despite the political disabilities imposed in some states, the non-Jew was overwhelmingly friendly. Not till General Grant's order of December 17, 1862, expelling all Jews from his Department of Tennessee, was there anything even resembling a "Jewish Problem." But with that incident an issue was raised on a national scale. By the turn of the century new spectres arose; many Americans conceived of Jews as unscrupulously clever, vastly wealthy, united in an international conspiracy to control the world.

If Jews became a problem for America, they also became a problem for themselves. But the agonies of the Twenties and Thirties, the flights from self, the recoil from a hostile world, these have now subsided, and in the midst of prestige and plenty, American Jews, mostly native, are shaping their accommodation to a largely friendly environment. It is to this generation and to this pending decision that Sol Liptzin addresses his book.

In so far as it tells a story of changing appraisals and relationships, it is a useful and informative book. The discussion of its central interest, however, leaves one with a sense of disappointment that Liptzin did not deal more fully with a number of significant problems. For instance, as a Zionist Liptzin quite naturally regards the creation of Israel as "having transformed the Jews throughout the world from a disintegrating people, a vagabond people, a people at bay, to a vigorous national group on the march to a new historic destiny." He sees Israel as the "cultural motherland" and Zionism as the alternative to assimilation and the proper "guide to group living" for American Jews who live in "two cultures, the English and the Hebraic." Working for Israel, as, for example, Hadassah members do, "serves the purpose of identifying them with Jewishness in a more joyous and creative way than the way of their grandmothers. . . ." Many will, no doubt, be persuaded by this position;

others, however, will find difficulty in reconciling it with Liptzin's hope that Jewish America may become one of the "twin centers" of cultural flowering during the "Israel-American cycle of Jewish history" and that Jewish writers will create "in the English language Jewish classics that will rival those created in the Yiddish and Hebrew tongues by their forebears." Liptzin's more detailed analysis of these conflicting views would have been helpful.

There are other large problems that one wishes Liptzin had discussed. What cultural exports, for instance, can American Jews absorb once the interest in ancient scrolls and Yemenite dancers has waned? Is American interest in Israel a cultural affinity or an irredentist attachment to the territory? An expression of Jewish living or a substitute for it? And what of the often ill-concealed disdain of so many Israeli Jews for the rest of our world-wide community and its cultural prospects? Is it even possible that American Jews and Israeli, separated by geography and language, may drift further apart under the pressures of political developments or of differing cultural contexts? Liptzin's comments on these questions would have been welcome.

What sort of moral exports should Israel ship? Liptzin is glad to hear "the voice of Zion repeating its ageless slogan of *shalom*." Abhorrence of violence is, indeed, native to the Jewish tradition. Non-Zionists will, therefore, be disappointed in his failure to reconcile with *shalom* either his blanket approval of such divergent forces as Palmach, Haganah, Irgun, and the emergence of the so-called Maccabean "Heroic Jew," or his insistence on the propriety of Israel's Sinai campaign of 1956, not merely on grounds of expediency, but on grounds of morality as well.

Liptzin ascribes solely to Israel's independence the renewal of interest in Jewish life among American Jews. He may be right, but his statement would have carried more conviction if he had evaluated this interest in the light of the phenomenon of third-generation return which Marcus L. Hanson has noted among American minorities. Liptzin's assertion that "All immigrant groups . . . had ultimately yielded their separateness and had merged with the majority population completely and without reservations" would have been more persuasive had he weighed it against the increase in ethnic consciousness observed since World War II, especially among Poles and Italians as well as Jews, and the growing tendency among sociologists to find much validity in Louis Adamic's formulation of America as a nation of nations.

If American Jews are more openly relating themselves to Jewish life, are they merely exhibiting what has been called an edifice complex, or is this interest something more substantial if less tangible? Liptzin is encouraging:

> They attended synagogues and temples ever more frequently on holidays, on Sabbaths and even on Friday evenings. . . . Bible classes for adults, formerly frequented only by greybeards, attracted young and old, in

> communities large and small. . . . Lectures . . . were delivered to overflowing audiences. . . . Jewish centers, which had earlier emphasized athletics and dances, shifted their emphasis to programs of Jewish content. . . .

Yet how many will fail to find these signs in their own communities? A more thoroughgoing analysis of the nature of the renewed interest would have been most useful.

Finally—and most surprisingly—Liptzin's treatment of Yiddish and its heritage is disappointing. His examination of the contributions of Yiddish creativeness is brief and sometimes even slighting, and he fails completely to deal with the more germane question of its potential as a force in any "Jewish rejuvenation." One particularly notes the omission in this area, where Liptzin's interest and contributions are so great.

Nevertheless, the faults of *Generation of Decision* are due, not to loving unwisely, but to loving too well. The virtues are the virtues of a scholarship conveyed with conviction and narrative skill. His passionate desire for Jewish cultural creativeness leads him to raise the great question of its possibility in America and to answer it with ringing affirmation. This hope will be shared by those who accept his Zionist premises as well as by those who do not.

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AMERICAN JUDAISM

POINT OF VIEW: AN ANALYSIS OF AMERICAN JUDAISM. By *Israel H. Levinthal. Abelard-Schuman.* New York, 1958. Pp. 112.

CAN one be objective in describing religion? More specifically, can a contemporary rabbi be a *historian* in describing American Judaism with its several branches? The present reviewer, though trained in the discipline of scientific history, would rather have had a *partisan* guide as author for *each one* of the four respective facets of American Judaism.

The brilliant rabbi of the Brooklyn Jewish Center here offers a small volume based on a series of Friday night lectures he delivered before his congregation in 1955-56. These lectures on Reform Judaism (pp. 19-38), on Orthodox Judaism (pp. 41-57), on Conservative Judaism (pp. 61-79), and on Reconstructionist Judaism (pp. 83-103) are a good example of popular teaching that is authentic. The style is easy, oral, and, most of the time, charming. Levinthal's best treatment is that on Conservative Judaism; his most ineffective and weakest treatment, that on Reconstructionist Judaism. He frankly sets out to present a popular discussion and not a treatise. Notwithstanding the opinions of book publishers in general as to titles, the writer of these lines would

have preferred the title to read: "Friday Night Lectures on an Analysis of American Judaism."

By treating *Reform* Judaism first, the author reveals good historical judgment and chronological placement. His critical evaluation here is enriched by his consummate artistry in the use of traditional homily and *derash*. His mood is the same in his lecture on *Orthodox* Judaism. When he comes to *Conservative* Judaism, he is warm, passionate, and even brilliant. Here he is a *partisan*, and a good one. He offers the best *midrashim* as pedagogic devices to illustrate his ideas. Some of the homilies, like the one about the path of icy snow (Reform) and the path of fiery heat (Orthodoxy)—and the path between the two (Conservative Judaism)—are the same ones that conservative rabbis have used for decades, but they still remain meaningful illustrations. Levinthal's lecture on Reconstructionism is not up to the standard of the others. Here, though generally scholarly in his outlook, he is devoid of all immediate knowledge of Reconstructionist philosophy. He touches only the periphery and does not enter the core; here he "preaches" and "moralizes" too much.

In his Introduction, Rabbi Levinthal notes the recent revival in all the branches of Jewish religious life in America, and makes a plea for a greater *intellectual* grasp of Jewish religious philosophies on the part of all four groups. I wish that he had also pointed out that in order for the religious revival to remain meaningful there should have been a concomitant upsurge in morality and ethics.

HERMAN HAILPERIN

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FAITH AND LOVE. By *Alexander A. Steinbach.* Philosophical Library. New York, 1958. Pp. 114.

THIS is a volume of thirty-seven stirring meditations on the meaning and purpose of life and human striving. A rabbi who has been ministering for several decades to the largest Reform congregation in Brooklyn, the author has come to know, out of personal contact with the multitudes, that what ails human beings most is—emptiness. The cause of our dissatisfaction and misery is not the lack of material goods, but the lack of spiritual sustenance. And it is to this lack that Rabbi Steinbach addresses himself.

The basic need of our age is thoughtfully expressed in the chapter entitled "Motif of Hunger." Ancient societies, even as a few of the more impoverished lands today, were driven by famine, by plain hunger for bread. We, on the other hand, who live in a society of abundance, suffer from a different type of hunger—from a famine for the word of God, from a hunger for spiritual food, as did our forefathers in the days of Amos.

Happiness has become one of the most common words in our daily speech. The author reminds us that the poets—and he is a poet of distinction—know that complete happiness is never attainable, even as perfection is never achieved. True and genuine happiness "must stem from giving as well as receiving." "Of Birds and Men," the chapter from which this quotation is taken, is not only a meditation on the meaning of life, but an exhortation to make the most of the added span of years that medical science has given us. Man is admonished not to be satisfied "with mediocrity in himself."

To the perennial question as to what man is, the author replies: "You are a being in whom the Deity is unveiled." I question whether a nobler and more satisfying definition can be given. While man is made of bones and flesh, he is also a child of God. And the chapter, "On Finding God," will prove immensely helpful to those who are searching for God in truth and in sincerity. While the essence of God is beyond human grasp, a glimpse of the Divine is vouchsafed to those who are ready to submit to the requisite discipline and make the necessary sacrifice.

Life, of course, is more than pure meditation, and this the author knows full well. Two chapters deal with the social aspects of human existence. In "Love Thy Neighbor," we are reminded that life demands mutual cooperation, that it must not be selfishly lived. And "San José de Purua," the name of a small town in Mexico where the author spent a summer vacation, calls to our attention the shame and sin of human exploitation and degradation.

Not only is the message of this volume inspiring; the very reading is a delight.

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JEWISH MONUMENTAL INSCRIPTIONS IN BARBADOS. By *E. M. Shilstone.* The Jewish Historical Society of England. London, 1958. Pp.

THE student of American Jewish history owes a debt of gratitude to Eustace M. Shilstone, a Barbados lawyer, for copying all the Jewish epitaphs in the old Jewish graveyard in Bridgetown. Though he "had no Jewish interests or connections," his interest in Barbados history led him to record this mute record of Jewish history.

Professor Salo Baron states in the Foreword to the American edition: "Tombstone inscriptions have long been a major source of Jewish history. While the data by such epigraphic evidence are largely limited to names and dates, they have the great advantage of contemporaneity and authenticity." This volume is valuable raw material for the study of the important West Indian phase of American Jewish history.

A Preface by Wilfred S. Samuel supplies a necessary historical survey, and the author's Introduction makes interesting reading on the Jews of Bridgetown, their cemetery and Mr. Shilstone's labor of love.

The sentiments engraved on a tombstone are no more reliable than eulogies as a source of biographical data. A number of the inscriptions, however, are unusual and some rather fascinating. Biographical sketches of some of the more prominent persons would have been most welcome.

Illustrations and a plan of the cemetery enhance the volume.

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JEWISH COINS AND SYMBOLS

THE HISTORY OF COINS AND SYMBOLS IN ANCIENT ISRAEL. By *Wolf Wirgin* and *Siegfried Mandel*. Exposition Press. New York, 1958. Pp. 264 and plates.

FOR some ten years Wolf Wirgin has tried to develop strikingly unusual views on ancient Jewish coins. Now, in this book, he summarizes his theories on the grouping and dating of these coins, many of which he had formerly published in a number of separate articles, mainly in *Seaby's Coin and Medal Bulletin* and in *The Numismatist*. This book also contains a chapter on "Fertility Symbols on Ancient Jewish Coins" by Siegfried Mandel.

The theories of Wirgin and Mandel may be summed up as follows:

(1) Most of the coins bearing the legend "of the King Alexander," which are generally ascribed to Alexander Jannaeus (103-76 BC), were issued much earlier, some even 200 years earlier, in the name of Alexander the Great.

(2) The letter *shin* on the silver shekels stands, not for *shana* (year), as universally thought, but for *shmitta* (seventh year), meaning a cycle of seven years. Therefore, the shekels were issued, not within five consecutive years, as generally held, but within a period of five *shmittot*, i.e., thirty-five years, by Simon Maccabaeus and his son John Hyrcanus I (140-105 BC).

(3) The symbol on the shekels does not represent a chalice or cup from the Temple, as generally accepted, but the Temple-laver, a wash-basin in the special shape given to it in the time of John Hyrcanus I (135-104 BC.) by a certain Ben-Katin.

(4) The coins of Antigonus Mattathias (40-37 BC) intend to imitate the shape of the silver shekels with the purpose of strengthening his legitimacy "visually" in his struggle with Herod. The legend

"Mattathias the High Priest" on these coins is not the Hebrew name of Antigonus, but that of the founder of the Hasmonaean dynasty.

(5) The tetradrachms showing the front of the Temple with the legends "Jerusalem" and "Year two—freedom of Israel" were issued by King Herod and not during the Bar-Kokhba War, as generally supposed.

(6) Most of the so-called "Procurator coins" were struck by "the Jews" in honor of the Roman emperors, and not by the Roman administration.

(7) The "Freedom of Zion" coins of the years two, three, and four were issued by Agrippa I (37-44 A.D.), and not during the Jewish-Roman War of 66-70 A.D. The years two, three, and four were so reckoned by "the Jews," not according to "the year of the Kings" as fixed by the Mishna, but according to the birthday of Augustus. Consequently, there were no coins minted during the Jewish-Roman War.

(8) The coins generally attributed to the Bar-Kokhba War were struck by "the Jews" between 70-135 A.D.

(9) The remnants of Roman legends and the busts of the emperors on these coins were artificially put on the coins by "the Jews" in order to give the impression of overstriking.

(10) The name *Shimon* on these coins designates Simon Maccabaeus and not Simon Bar-Kokhba. The legend "Eleazar the Priest" refers to a mystical personality from biblical times.

(11) From the times of Alexander the Great to the end of the Bar-Kokhba War there were in Jerusalem three different mints all of which struck coins.

(12) The symbols on the Jewish coins—lulab and ethrog, palm-tree and branch, anchor, umbrella, etc.—have almost without exception a sexual character related to the idea of fertility and are for the most part phallic symbols. This meaning was obvious to the ancient Jews.

The unusual views of Wirgin and Mandel would be interesting if they were based on scientific evidence. However, they are contradicted by established historical, archaeological, and numismatic facts.

(1) A. Kindler, the specialist on Hasmonaean coinage, has shown that the legend of the small bronze coins cannot relate to Alexander the Great, but that they were issued more than two hundred years after his death by Alexander Jannaeus.[1]

[1] A. Kindler, "The Coinage of the Hasmonaean Dynasty" in *The Dating and Meaning of Ancient Jewish Coins and Symbols* (Jerusalem, 1958), pp. 22-26.

(2) Wirgin's theory that the shekels are dated, not on the basis of five consecutive years but of *shmitta* cycles has doubt cast on it by the simple fact that in all the vast Jewish literature a chronology according to *shmitta* cycles is never mentioned anywhere.

Since the discovery in the last thirty years of hoards containing Jewish shekels together with Tyrian shekels of the last decades and even the last years before the Jewish-Roman War, there cannot be any doubt that the Jewish shekels were issued during this war. Wirgin's suggestion that these hoards could have been fraudulently "managed" by Jerusalem coin dealers with the intention of fetching higher prices is easily disproved by two simple facts: (a) The prices paid for the hoards—£3-5 for each Jewish shekel, 10 shillings for each Tyrian shekel—were not higher than the prices paid at that time for individual coins; (b) any circumstances giving cause for doubt concerning the authenticity of the hoards would hardly have escaped the sharp and informed eyes of Sir G. F. Hill, Keeper of Coins in the British Museum, and of Professors Sukenik and Reifenberg, three of the greatest authorities on Jewish numismatics, who published the three hoards in 1936, 1942, and 1947.[2]

(3) Wirgin's interpretation of the symbol on the shekels as a laver of the Temple rather than a chalice and his assumption that Ben-Katin lived in John Hyrcanus I's reign, are disproved by the following facts:

(a) The Talmud describes the Temple-laver as follows (Joma III, 10): "Ben-Katin made twelve water-taps for the laver, which before had but two, in order to allow twelve of his priest-brothers who were occupied with the permanent sacrifice to wash simultaneously their hands and feet. In the morning when the laver was filled, they washed their hands and feet from the upper water-taps, in the evening, when the water was low, from the lower taps."

From this description it is evident that the function of the water-taps would not have allowed their arrangement along the upper border of the laver like the pearls on the shekels; that the laver had upper and lower taps for a higher or lower level of the water, while no such taps are seen on the shekels; that the heavy bronze basin of the laver containing so great a quantity of water must have been supported by a much more solid base than the slender stem seen on the shekels.

(b) Ben-Katin is mentioned in the Talmud together with Queen Helena of Adiabene, her son, King Monobaz, and the Alabarch

[2] G. F. Hill, *Quarterly of the Department of Antiquities of Palestine*, VI (1936), 78-83; E. L. Sukenik, *Kedem*, I (1942), 15-19; A. Reifenberg, *Ancient Jewish Coins* (Jerusalem, 1947), pp. 30-33.

Nicanor of Alexandria, who are also named as having embellished the Temple and its sacred vessels, and who are known to have lived in the last decades before the Jewish-Roman War. It is therefore clear that the Talmud describes improvements to the Herodian Temple. Wirgin's theories that the symbol of the shekels represent the Temple-laver and that Ben-Katin lived in the time of John Hyrcanus I, some two hundred years before the described improvement, are therefore without the slightest foundation.

(4) There is no greater substance in Wirgin's argument that Antigonus Mattathias, the last of the Hasmonaean rulers, imitated in his coinage the shape of the "traditional Shekels, with the intention of linking himself visually with the people's past and that, therefore, the Shekels must have been minted before 40 B.C." There can be no greater contrast than between the shekels and the coins of Antigonus-Mattathias. The latter are of bronze, with bilingual legends and with meaningless symbols—cornucopiae and wreath. The shekels are of silver, have pure Hebrew legends and Jewish symbols: the chalice of the Temple and the three pomegranates, probably of the High Priest's ceremonial robes. Could Antigonus have found a more suitable way to demonstrate "visually" the terrible decline of his kingdom as compared with his ancestors? The simple fact is, however, that Antigonus-Mattathias could not have intended to imitate the shekels because they were issued about a century after his death. Also without any foundation is the assumption that the legend, "Mattathias the High-Priest," refers, not to the Hebrew name of Antigonus, but to Mattathias of Modein, who was only a simple priest, but never "the High-Priest."

(5) Wirgin's theory that the silver tetradrachms with the legends "Jerusalem" and "Year two for the Freedom of Israel" were minted by Herod the Great has been refuted by Dr. J. Meyshan, the specialist on Herodian coinage, with numismatic, paleographic, archaeologic, and historical facts.[3] Schürer, in his standard work, has rejected as "absurd" the attribution of coins of exactly the same type, style, and material to periods divided by 170 years simply because on some of the coins the remnants of Roman dies are visible and on others they are not.[4] It is absolutely impossible that Herod the Great, the faithful vassal and ally of Rome, would have dared to overstrike imperial Roman coins with the portrait of the emperor still visible; or that he would have used legends

[3] J. Meyshan, "The Coins of the Herodian Dynasty," in *The Dating and Meaning of Ancient Jewish Coins and Symbols*, pp. 35-37.

[4] E. Schürer, *Geschichte des jüdischen Volkes*, I (Leipzig, 1901), 768 f. and note I.

like "For the Freedom of Israel," which could only be taken as a call for open rebellion.

(6) Likewise, it is impossible that "the Jews" should have issued the so-called "Procurator coins." What Jewish authority could have struck these coins? And what Jewish authority would have shown on their coins pagan sacrifice symbols, like the lituus and simpulum which appear on the coins actually minted by Pontius Pilatus?

(7) Even more strange is Wirgin's suggestion that the coins of "Year two [or three] Freedom of Zion" and "Year four—for the Redemption of Zion" could have been issued by Agrippa I: (a) There exist coins of "Year two—Freedom of Zion" overstruck on coins of Agrippa I. It is impossible that Agrippa would have overstruck his own coins bearing his name and royal title and this in the very year when they were minted.[5] (b) We also have coins of the Roman procurators overstruck with the Freedom legend. It is impossible that Agrippa I, the Roman vassal, would have dared to overstrike a coin issued in the name of the Roman emperor, for this would have been a deadly affront to Rome and the imperial dynasty.[6] (c) The Roman authorities who interrupted the erection of the third wall of Jerusalem by Agrippa and dispersed the meeting of the vassal kings in Tiberias, initiated by him, would never have tolerated the issuance of coins with legends aimed at arousing the Jewish people to a war of freedom against Rome. (d) For Wirgin to place the "four years of freedom coins" within the reign of Agrippa I, he had to change events and facts of Jewish and Roman history and the established chronology, but the entire theory collapses when confronted with the historical facts and the chronology of the ancient sources.

(8) Wirgin carefully avoids saying who were the nebulous "Jews" who issued coins between the destruction of Jerusalem in 70 A.D. and the Bar-Kokhba War of 132-135. However, no Jewish mint could have operated, either in the destroyed Jerusalem or elsewhere in Judaea between the two wars. It is absurd to suppose that the Jews, who never had the right to strike silver coins, should have issued silver tetradrachms and denars right after their defeat and the subjugation of their country.

(9) Likewise the third of Wirgin's strange suggestions that remnants of Roman legends and busts of the emperors were artificially put on the coins by "the Jews" in order to give the impression of overstriking. If these coins were really issued by "the Jews" between

[5] Reifenberg, *op. cit.*, p. 58, no. 147a.

[6] A. Kindler, "A Restruck Coin of the First Revolt," *Bulletin of the Israel Exploration Society*, XVII (1952), 65 f.

the two wars, why would they have aroused the wrath of the Roman authorities by pretending to have the coins overstruck on the images of the Roman emperors and their legends? The Jewish authorities during the Bar-Kokhba War, on the other hand, had at their disposal plenty of Roman coins which they could use for overstriking and had no need to put the remnants artificially on their coins. There is, therefore, no reason whatever why the Jews should have struck coins "to make the impression that they were overstruck on Roman coins." Besides, as A. Kindler has shown, all of Mr. Wirgin's technical suppositions are contrary to the numismatic material.[7]

(10) Since the discovery in Wadi Murraba'at of a letter signed "Simon Ben Koseba Nassi Israel," there cannot be any doubt that the legend of the coins "Simon" or "Simon Nassi Israel" refers to Bar-Kokhba. Wirgin's theory that "Simon" refers to Simon Maccabaeus, who lived 270 years earlier, is without any foundation. The name Simon on coins never occurred before and consequently there was no possibility of copying this name from earlier issues, as Wirgin suggests.[8]

(11) Wirgin is unable to produce any facts supporting his hypothesis that "during Simon Maccabaeus' reign three different coining offices were employed in Jerusalem, one handling the silver coinage, the two others being responsible for the bronzes," and that these three mints continued to strike coins until the end of the Bar-Kokhba War.

(12) S. Mandel has not taken to heart the warning of the folklorist and historian Jameson about too free generalizations: "Students of phallic worship and ritual need to exercise great caution. With the changing of cultural contours because of foreign influence or the intrusion of new ideas, facts which were once clearly phallic have lost all phallic significance."[9] This thesis is doubtlessly valid for the period of the second Temple, when the Jewish coins were issued. But Mr. Mandel maintains that "the symbols on ancient Jewish coins are almost exclusively related to the idea of fertility and mainly of phallic character, and it seems either naive or wishful to think that their basic meaning was not obvious to the ancient Jews."

To what absurdities these theories lead may be illustrated by three

[7] A. Kindler, "The Coinage of the Bar-Kokhba-War," in *The Dating and Meaning of Ancient Jewish Coins and Symbols*, p. 78.

[8] R. de Vaux, *Revue Biblique*, LX (1953), 268 ff.; S. T. Milik, *ibid.*, 276 ff.

[9] R. D. Jameson, in *Standard Dictionary of Folklore, Mythology and Legends*, II (New York, 1950), 864.

examples: (a) Mandel sees in the lulab the penis and in the ethrogim the testicles. (b) The anchor appearing on the coins of Alexander Jannaeus and Herod the Great is evaluated by Mandel as "individual phallic symbols: a half-moon, ship's mast and serpent," though this symbol is doubtless connected only with the reign of these over the harbor cities. (c) The peak is reached with Mr. Mandel's explanation of the symbols on the small bronze coins struck by Agrippa I in great quantities for his Jewish territories. He interprets the three ears of barley "as phallic," while he describes the umbrella, unquestionably a symbol of royal dignity, as follows: "The knobbed, mound-like triangle is the female element, the stick at the base is male and the fringes represent seeds."

Not only the numismatic, but also the historic chapters of Wirgin's book, are full of strange assumptions. To give only one example: Even the layman knows that the Bar-Kokhba War ended when the last Jewish stronghold of Bethar, near Jerusalem, fell and with it the leader of the Jews (summer, 135 A.D.), while the Jewish-Roman War of 66-70 A.D. came to an end with the fall of Masada and the suicide of its defenders. Wirgin, however, thinks otherwise. He writes: "It took three and a half years of concentrated Roman military skill, from 132-135 to subdue the country, practically village by village. It was on the western shore of the Dead Sea at the rock fortress of Masada that the war came to an end, as it also had in the previous century during the first revolt."

It is a characteristic feature of this book that Mr. Wirgin did not think it necessary to mention the numerous answers given his theories in the numismatic publications during the last ten years, and that the bibliography appended fully listed his own articles, in addition to the standard works of Madden, Hill and Reifenberg, but none of the recent contributions to the knowledge of Jewish numismatics.

In this book Mr. Wirgin again and again calls his method "detective work," "numismatic detective work," etc. There can be no doubt that "detective work" is useful in criminology. It also has its place in crime stories. It cannot, however, serve as an appropriate method in the field of numismatic research, where only a genuine scientific approach can produce serious results. Small wonder that Dr. G. K. Jenkins, the expert on Greek and Greek imperial coins, of the British Museum, in the October issue of the *Numismatic Circular* of London, speaks of "the perverse theorising of Wirgin and Mandel."[10]

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[10] Jenkins, *Numismatic Circular*, LXVI (1958), 212.

JEWISH MEDALS

JOODSE PENNINGEN IN DE NEDERLANDEN. JEWISH MEDALS IN THE NETHERLANDS. By *Dr. Arthur Polak.* Jacques Schulman. Amsterdam, 1958. Pp. 80 and 17 plates.

ANCIENT Jewish coins have been studied ever since interest in the remnants of ancient and classical civilization was awakened in the period of the Renaissance. Medallic art originated in the same age. Portrait medals of Jews with Hebrew inscriptions first appeared in the early sixteenth century, and up to the present medallic art has been cultivated among Jews all over the world. Medals have commemorated official public occasions, such as the dedication of synagogues or buildings of welfare institutions (hospitals, homes for aged, orphanages), as well as private celebrations such as weddings, birthdays, and other anniversaries. In the late eighteenth and early nineteenth centuries, when medallic art flourished in Europe, particularly in France and later in Germany, a great number of Jewish medals in an extensive variety were struck on many different occasions.

The collecting of "Jewish" medals in a systematic and scholarly manner began as late as the second half of the nineteenth century. While private collectors and later also museums took a more and more lively interest in this artistic material, its scientific study did not keep pace either with the increase in collections and collectors or with the simultaneously progressing sister-science, Jewish numismatics in the more restricted meaning of the term, referring to coins only. There is no such *corpus medallicum* on Jewish medals as has been compiled in other fields of medal collecting, as the standard works by H. Kluyskens, *Des Hommes célèbres dans les sciences et les arts et des medailles, qui consacrent leur souvenir* (2 vols., Gand, 1859); Horatio R. Storer, *Medicina in Nummis* (Boston, 1931), or Robert James Eidlitz, *Medals and Medallions Relating to Architects* (New York, 1927), to mention only a few reference works known to everyone who aspires to be or to become a serious collector or researcher in the various fields of medallic history. Every addition to the little cultivated realm of "Judaica in Medals" is therefore welcome and to be appreciated.

In this sense, Doctor Polak's pioneering attempt "to catalogue and study [his] own collection" of "medals relating to the history of the Jews in the Netherlands" deserves commendation. Ninety-two medals (not all of them actually in his collection; some, whose whereabouts have not been discovered, are known only from descriptions in other publications) are described in the volume under review. For each item a numismatic description is given, followed by a historical account, bibliographical references, and a listing of the collections in which specimens are found. At the end of each entry an English summary of the Dutch text is added, written by Lt.-Col. L. S. Forrer (his relation-

ship to the famous author of the *Biographical Dictionary of Medallists* is unknown to this reviewer). Most of the medals described are splendidly reproduced on seventeen plates, seemingly in the original size.

In his Introduction, the author states: "The author of this book makes no claim to be a historian, and is only an amateur." At the end, he expresses his "thanks for the help received in compiling this work from Dr. Enno van Gelder, Director of the Royal Coin Cabinet" [in the Hague]. The extent of this help is not disclosed. Yet, one would expect that the professed amateur in numismatics and hobbyist collector would have been advised by the numismatic expert of the Royal Coin Cabinet on the basic problems arising in connection with such a publication, as well as on the literature dealing with Jewish medals in general and those described in this volume in particular, and further, that obvious inaccuracies would have been called to his attention. However, no trace of such expert advice is visible in the pages of Doctor Polak's book.

"The only way to catalogue these medals is in chronological order, and consequently no selective attention has been given to the kind of medal, whether a marriage medal, an inauguration medal, etc." This statement of the author in his Introduction cannot remain uncontradicted. For a medal collection in a museum this is, perhaps, the most convenient way in general. Different, and, for a private, highly specialized collection and its catalogue, more appropriate methods can be learned and the entire problematics connected with this question thoroughly studied in a profound essay on the subject published in this journal fourteen years ago (Bruno Kisch, "Judaica in Nummis," *Historia Judaica,* VII, 1945, 135-158; cf. also Bruno Kirschner, "Judaica in Nummis," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* LXXXIII, 1939). From the first article, the author would also have drawn information on the history of collecting and arranging a collection of "Jewish" medals to his own and his book's benefit.

When is a medal to be considered "Jewish"? This question deserves serious consideration. Obviously, any collector will be glad to include in his collection any medal, even though its "Jewishness" may not be completely established. Cataloging and publishing descriptions, however, require more caution. Even if the author claims for himself the privilege of being considered "only an amateur," he ought to be aware of the fact that his book will be used for and will serve further research. Therefore, stricter standards of selection and definition must be applied. This brief review does not allow for an extensive discussion of the definition of when a medal is to be considered "Jewish." This attribute certainly applies to portrait medals of Jewish personalities, medals concerning Jewish communities and their institutions, antisemitica, medals

designed by Jewish artists, to give only a few examples. From the Introduction it is evident that the author grappled with this problem. It seems that, for his purpose, he was able to solve it in a satisfactory way, although one might differ with him on whether this or that medal should have been included.

Other shortcomings appear to be more serious for further research in the medallic field. The historical accounts for each item are of varying length and completeness. The data given are often incomplete. In No. 47, for instance, it would certainly have been worthwhile to mention that Tobias M.C. Asser was a Nobel prize winner as early as 1911. In No. 5, on page 14, there is, for the first time, a reference to the Dreesmann collection; later it recurs more often, and a "Catalogue Dreesmann" is cited, referred to in No. 21 as "Cat. Dreesmann, Amsterdam." This name is not explained in the list of abbreviations and among the literature given, nor is it clear whether this collection is in public or private hands and still in existence. Neither does the frequent abbreviation J. H. M. (Joods Historisch Museum) appear in the list of abbreviations. In No. 51 the inscription of the medal reads "Schnitzler & Co.," while in the English summary it is rendered as "Schnitzel and Co." The abbreviation "Glicenst" (No. 91) stands for Glicenstein, a famous Jewish sculptor. Thorough perusal of the volume would probably reveal more such inaccuracies.

Lack of space does not permit an account of the various kinds of Jewish medals and the individual specimens assembled in Dr. Polak's collection. One item in partcular (No. 34) struck the reviewer's attention because he, himself a collector, has not found a similar token in any other collection or catalogue: it is a unilateral engraved silver token (not to be designated as a medal) with an inscription in Hebrew, *Bereshit* |A⁰| MDCCCLVII, probably issued by one of the small synagogues of Amsterdam. It was to be worn on *Simhat Torah* by the *Ḥatan Bereshit,* one of the "bridegrooms of the Law." This is, of course, a *curiosum,* as is the wedding medal, No. 29. Almost every item in Dr. Polak's publication is of historical interest, general Jewish or merely Dutch local. They depict the historical development of the Jewish community in Holland, its religious life and institutions and customs, the dependence of the Jews on the surrounding world (persecutions, emancipation, participation in public life, in commerce, and in the culture of the country), Zionism and Zionist activities (shekel medals), Jewish biography (Menasseh ben Israel, Spinoza, and other outstanding figures), as well as family history. This is, indeed, a kind of medallic history of Dutch Jewry, which should stimulate the historian to probe more deeply into some problems presented by the medals and not solved by their treatment in the present publication.

With all its shortcomings, however, the undertaking deserves the recognition and gratitude of Jewish history as well as medallic research. It is to be hoped that it will inspire similar, more scholarly and accurate publications for other countries, and finally for a complete Jewish *Corpus medallicum*.

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NOTICES OF RECENT PUBLICATIONS

H. G. Adler, *Die verheimlichte Wahrheit—Theresienstädter Dokumente.* J. C. B. Mohr (Paul Siebeck3. Tübingen, 1958. xiii and 372 pp., profusely illustrated.

A. Altmann and S. M. Stern, *Isaac Israeli: A Neoplatonic Philosopher of the Early Tenth Century.* His Works translated with comments and an outline of his Philosophy. Scripta Judaica, I. Oxford University Press. Oxford, 1958. xxiii and 226 pp.

American Academy for Jewish Research, *Proceedings,* Vol. XXVII. New York, 1958. 105 pp.

Leo Baeck, *Judaism and Christianity.* Essays by Leo Baeck, translated with an introduction by Walter Kaufmann. Leo Baeck Institute. New York, 1958. 292 pp.

Salo W. Baron, *A Social and Religious History of the Jews.* Second edition, revised and enlarged. High Middle Ages, 500-1200. Vols. VI-VIII. Columbia University Press. New York, 1958. 486, 321, 405 pp.

Shlomo Bickel and Leibush Lehrer (editors), *S. Niger Memorial Volume.* Yivo Institute for Jewish Research. New York, 1958. 338 pp. (Yiddish with English summary).

Lily Edelman, *Israel: New People in an Old Land.* Thomas Nelson and Sons. New York, 1958. 208 pp.

Nahum N. Glatzer (editor), *Leopold and Adelheid Zunz. An Account in Letters* 1815-1885. East and West Library. London, 1958. xxvi and 427 pp.

Nelson Glueck, *Rivers in the Desert. A History of the Negev.* Farrar, Straus and Cudahy. New York, 1959. xv and 302 pp.

Leo Jung (editor), *Guardians of Our Heritage* (1724-1953). Bloch Publishing Co. New York, 1958. 728 pp.

Leo Kadman, *The Coins of Aelia Capitolina.* Corpus Nummorum Palaestinensium, Vol. I. Universitas Publishers. Jerusalem, 1956. 191 pp. and 17 plates.

Leo Kadman, *The Coins of Caesarea Maritima.* Corpus Nummorum Palaestinensium, Vol. II. Schocken Publishing House. Tel-Aviv-Jerusalem, 1957. 244 pp. and 19 plates.

Leo Kadman and others (editors), *The Dating and Meaning of Ancient Jewish Coins and Symbols. Six Essays in Jewish Numismatics.* Numismatic Studies and Researches, Vol. II. Schocken Publishing House. Tel-Aviv and Jerusalem, 1958. 116 pp. and 1 plate.

Guido Kisch, *Forschungen zur Geschichte des Humanismus in Basel.* Eine bibliographische Einführung und Übersicht mit besonderer Berücksichtigung der Rechtsgeschichte. Böhlau Verlag. Köln, 1958. 32 pp. (Including notes on Hebrew and Yiddish printing in Switzerland.)

Guido Kisch, *The Founders of "Wissenschaft des Judentums" and America.* From Essays in American Jewish History. The American Jewish Archives. Cincinnati, 1958. 23 pp.

S. Joshua Kohn, *The Jewish Community of Utica, New York,* 1847-1948. American Jewish Historical Society. New York, 1959. xvi and 219 pp.

Jacob Rader Marcus, *Essays in American Jewish History.* To commemorate the tenth anniversary of the founding of the American Jewish Archives. The American Jewish Archives. Cincinnati, 1958. xvii and 534 pp.

Raphael Patai (editor), Herzl Year Book. Vol. I. Herzl Press. New York, 1958. viii and 334 pp.

Walter A. Reichart (editor), *Max Pincus, 3. Dezember 1857 bis 19. Juni* 1934. Bergstadtverlag Wilh. Gottl. Korn. Munich, 1958. 60 pp. (In commemoration of Max Pincus' one hundredth birthday anniversary. Pincus was a friend of Gerhart Hauptmann.)

Samuel Sandmel, *The Genius of Paul.* Farrar, Straus & Cudahy. New York, 1958. xiii and 239 pp.

Eric Werner, *The Sacred Bridge: The Interdependence of Liturgy and Music in Synagogue and Church during the First Millennium.* Columbia University Press. New York, 1959. xx and 618 pp.

HISTORIA JUDAICA

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RELATIONS BETWEEN JEWISH AND CHRISTIAN COURTS IN THE MIDDLE AGES

By Guido Kisch

New York City

I*

Exclusive Jurisdiction of Jewish Courts

THROUGHOUT the centuries of their life in the Diaspora the Jews were always able to maintain the rule of Jewish law and to preserve the functioning of Jewish courts.

According to Roman Imperial legislation of the fourth century, Jews were in general subject to Roman law and Roman courts.[1] Upon mutual agreement of the litigating parties, however, they were free in civil lawsuits between Jews to resort to Jewish courts of arbitration, endowed

* This essay was originally published in the *Louis Ginzberg Jubilee Volume* (English Section) (New York, 1945), pp. 201-225. It appears here in completely revised form, expanded and brought up to date. The present version, therefore, replaces the previous one.

[1] *Codex Theodosianus*, II, 1, 10 (Febr. 3, 398), ed. Krüger-Mommsen, I, 2 (Berlin, 1905), pp. 75 f.:

> Idem. [Impp. Arcadius et Honorius]. Ad Eutychianum p(raefectum) p(raetori)o: Iudaei Romano et communi iure viventes in his causis, quae non tam ad superstitionem eorum quam ad forum et leges ac iura pertinent, adeant sollemni more iudicia omnesque Romanis legibus inferant et excipiant actiones: postremo sub legibus nostris sint. Sane si qui per conpromissum ad similitudinem arbitrorum apud Iudaeos vel patriarchas ex consensu partium in civili dumtaxat negotio putaverint litigandum, sortiri eorum iudicium iure publico non vetentur: eorum etiam sententias provinciarum iudices exequantur, tamquam ex sentencia cognitoris arbitri fuerint adtributi.

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with the right to pass binding and enforceable judgment. In matters of religion, *in his causis, quae . . . ad superstitionem eorum . . . pertinent,* the authority of Jewish courts was recognized by implication and in no way restricted.[2]

A slight change in this status was effected by Justinian's *Code.*[3] The word *non* was omitted from the pertinent clause. The omission was intentional on the part of the jurists and not due to the negligence of a scribe. This seems now to be firmly established through the painstaking researches of Adolf Berger, refuting the contrary assumption of Jean Juster.[4] The effect of this change in wording was

[2] In stating this, the *Interpretatio,* probably of same date as the *Breviarium Alaricianum,* 506, is even more explicit than the *Theodosian Code;* Krüger-Mommsen, *op. cit.* (cf. Jean Juster, *Les Juifs dans l'Empire Romain, leur condition juridique, économique et sociale,* I (Paris, 1914), p. 165; II (1914), p. 152, note 1):

> Iudaei omnes, qui Romani esse noscuntur, hoc solum apud religionis suae maiores agant, quod ad religionis eorum pertinet disciplinam, ita ut inter se, quae sunt Hebraeis legibus statuta, custodiant. Alia vero negotia, quae nostris legibus continentur et ad forum respiciunt, apud iudicem provinciae eo quo omnes iure confligant. Sane si apud maiores legis suae consentientes ambae partes, de solo tamen civili negotio audiri voluerint, quod interveniente conpromisso arbitrali iudicio terminatur, tale sit, quasi ex praecepto iudicis fuerit definitum.

Cf. also Edgar Loening, *Geschichte des deutschen Kirchenrechts,* II (Strassburg, 1878), pp. 51 f.

[3] *Codex Justinianus,* I, 9, 8:

> Iudaei Romano communi iure viventes in his causis, quae tam ad superstitionem eorum quam ad forum et leges ac iura pertinent, adeant sollemni more iudicia omnesque Romanis legibus conferant et excipiant actiones. Si qui vero ex his communi pactione ad similitudinem arbitrorum apud Iudaeos in civili dumtaxat negotio putaverint litigandum, sortiri eorum iudicium iure publico non vetentur. Eorum etiam sententias iudices exsequantur, tamquam ex sententia cognitoris arbitri fuerint attributi.

In the last two sentences some deviations from the text of the Theodosian Code are also observable.

[4] Adolf Berger, "CTh. 2, 1, 10 and CI. 1, 9 8 pr.: A Perfect Example of an Interpolation through Cancellation of a 'Non'," IVRA, X (1959), pp. 13-23; *contra* Juster, *Les Juifs dans l'Empire Romain,* II, pp. 101-103, 152 f. note 2. In the original version of this essay (*Louis Ginzberg Jubilee Volume,* p. 202) this writer had left open these two possibilities: ". . . the decisive word *non* was omitted from the pertinent clause, be it by intention of the jurists or by mere negligence of a scribe." But he had shared Juster's assumption that no change was effected in the Jewish status by Justinian's Code, an opinion still adhered to by Vittore Colorni, *Legge ebraica e leggi locali* (Milano, 1945), p. 20, note 30, found earlier also in Petrus Browe, "Die Judengesetzgebung Justinians," *Analecta Gregoriana,* VIII (1935), pp. 123 f., 129.

not, however, as has been suggested, a complete "elimination of the autonomous Jewish jurisdiction in religious matters," so that "a general autonomous Jewish civil jurisdiction did not exist at all after 398 A.D."[4a] True, that change was intended to abolish the difference between jurisdiction in religious matters and that in civil (secular) controversies. Yet, just as before, Jews were not barred from selecting as judges "*Iudaeos*" "*per compromissum ad similitudinem arbitorum . . . in civili dumtaxat negotio.*" As before, their decisions were even enforceable, through the *iudices*, as is explicitly stated in the new formulation of Cod. Iust. 1. 9. 8. This did not—and obviously could not—apply to Jewish religious matters.

In this writer's opinion, the difference from the former rule created by Justinian's change in wording consisted merely in the withdrawal of recognition of the Jewish "autonomous" jurisdiction.

From the Jewish point of view, almost nothing was changed: the jurisdiction of Jews (*Iudaei*) appointed by agreement of Jewish litigating parties *ad similitudinem arbitorum in civili dumtaxat negotio* continued to exist without being barred by Roman public law. Nor could the change in the attitude of the Roman law affect the continued validity and observance of the basic principle of Jewish law that lawsuits between Jews must not be brought

[4a] Berger, *loc. cit.*, pp. 14, 15, 17, 20 f. Cf. Giannino Ferrari delle Spade, "Giurisdizione speciale ebraica nell' Impero Romano-Cristiano," *Scritti in onore di Contardo Ferrini*, I (Milano, 1947), p. 240: "L' ommissione della negazione *non* fatta do Giustiniano, capovolge, perciò il significato della disposizione"; cf. also the other authors mentioned by Berger, p. 23, n. 30. This interpretation is much older, however. Otto Stobbe, *Die Juden in Deutschland während des Mittelalters in politischer, sozialer und rechtlicher Beziehung* (Braunschweig, 1866), p. 142, assumed that the Jews were deprived of their autonomous jurisdiction under Justinian: "Diese für ihre Religionsangelegenheiten anerkannte eigene Gerichtsbarkeit wurde ihnen später genommen; dadurch nämlich, dass die eben angeführte Stelle des Theodosischen Codex in den Justinianischen überging (c. 8. C. I, 9), aber ein entscheidendes *non*, sei es nun absichtlich, sei es unabsichtlich, von der Redaktionskommission ausgelassen wurde. Biener, *De jure regio recipiendi judeos*, 1790, 4°, p. 35 n., p. 36, hat bereits darauf aufmerksam gemacht." Biener's dissertation was not available to this writer. No copy is found in the libraries of the Jewish Theological Seminary, Hebrew Union College, Columbia University, Union Theological Seminary, The Public Library, all in New York City.

before non-Jewish courts.[4b] If this applied to civil controversies between Jewish litigants, it doubtless did so to Jewish religious matters, in which a Roman court was certainly not considered competent by the Jews. Ludwig Mitteis was the only scholar among modern historians of Roman law to sense correctly this legal situation. Specifically referring to Cod. Theodos. 2, 1, 10 and to Cod. Iust. 1. 9. 8, he spoke of "*kompromissarische Gerichtsbarkeit der jüdischen Patriarchen.*"[4c] In fact, from the Jewish point of view, the change effected by the omission of the word *non* in Justinian's Code was not radical, as compared with the status according to the Theodosian Code.

From the point of view of Roman law, the omission of the words *non, vel patriarchas,* and *provinciarum* meant that the autonomous Jewish jurisdiction, though not explicitly prohibited, and even "to a certain degree tolerated," to use Mitteis' words, was no longer recognized under Justinian's law.[4d] The "toleration," obviously, cannot have

[4b] "The talmudic law prohibits the use of gentile courts in any case, for 'he who brings a Jewish suit before the tribunals of the idolators profanes the name of God and glorifies the names of idols' (*Gittin,* 84b)"; Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924), p. 156, n. 1. Loening, *op. cit.,* p. 52 and n. 3, relates the following case dating back to the sixth century: "In der Ausübung dieser Gerichtsbarkeit waren sie [the Jews] keiner Beschränkung unterworfen." "Der Bischof Germanus von Paris (gestorben 576) begegnet einer Schar Juden, welche einen Jüngling gefesselt führen, 'quia se recusaret legibus subdi Judaicis' (Venantius Fortunatus, *Vit. Germ.,* c. 45. Mabillon, *Acta,* I 240)."

[4c] Ludwig Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs* (Leipzig, 1891), p. 34 and note 6: "Man wird zwar nicht fehlgehen, wenn man annimmt, dass die rabbinische Jurisdiktion damals wie im Mittelalter von den Juden freiwillig gehalten, wie sie auch von der Regierung bis zu einem gewissen Grade toleriert wurde. Die in der vorigen Note letztangeführte Stelle [C. I. 1. 9. 8] sangtioniert die kompromissarische Gerichtsbarkeit der jüdischen Patriarchen." Immediately thereafter Mitteis quotes the wording of C. Th. 2. 1. 10. His equation: "C. Th., de iurisdict. 2. 1. 10 = C.J. de Iudaeis, 1. 9. 8," shows that he overlooked the omission of the words *vel patriarchas* in the version of the Justinian Code.

[4d] If Berger's statement on page 21 could be understood to mean this, it would not be so remote from the interpretation suggested *supra* by this writer. It cannot be taken, however, to have such a meaning in view of Berger's assertion of the complete elimination of Jewish jurisdiction in religious as well as secular ("civil") controversies. He even goes so far as to deny the existence of "a general autonomous Jewish civil [and religious] jurisdiction after 398 A.D." (pp. 20 and 15). His statement (p. 21) reads: "From an emperor, who did not hesitate to apply against the Jews some severe measures which he introduced

stemmed from religious tolerance, for such a motive can by no means be credited to Justinian or his legislation. "Toleration" can, however, be inferred from the fact that exercise of religious jurisdiction by Jews was not placed under penalty, as was done later on in Justinian's Novella 146 of 553, under which the meting out of punishment by Jewish authorities for the reading of the Bible at services in a non-Hebrew language or resistance by any Jew to the use of the Greek language in such Bible reading was threatened with severe sanctions.[4e] For the internal administration or execution of justice among the Jews, that change was of no moment, as was correctly observed and pointed out by Mitteis in a laconic formulation.

Of course, legal disputes between Jews and Christians were not to be brought before the *seniores Judaeorum,* but before the *ordinarii iudices* of Roman courts.[5]

This regulation of court jurisdiction had to be accepted by the Jews. From the standpoint of Jewish law, the underlying jurisdictional system was in fact acceptable, since it did not involve in its application any infringement on Jewish law. Thus the Roman scheme was able to maintain its validity for centuries in almost all European countries inhabited by Jews.[5a] It derived either directly from Roman

against heretics, and who defined the conception of a heretic in a way that the Jews could not be excluded therefrom . . . could easily be expected that he would deprive the Jews even of their jurisdiction in religious matters, so much the more that this jurisdiction operated with very severe penalties, death penalty not excluded. The fact is that neither Justinian granted the Jews an autonomous civil jurisdiction nor through cancellation of the *'non'* did he accept the legal situation with regard to their jurisdiction in religious offenses confirmed in C. Th. 2. 1. 10."

[4e] On Nov. 146 see *Berger,* pp. 21 ff. and the literature cited there.

[5] *Cod. Just.,* I, 9, 15 (*a.* 415):

Si qua inter Christianos et Iudaeos sit contentio, non a senioribus Iudaeorum, sed ab ordinariis iudicibus dirimatur.

[5a] On the legal status of the Jews and, in particular, on Jewish jurisdiction in the early Germanic states within the territory of the Western Roman Empire, see Georg Caro, "Die Juden des Mittelalters in ihrer wirtschaftlichen Betätigung," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* XLVIII (1904), pp. 434 f. The Germanic "principle of personal law," under which each member of a tribe carried his tribal law wherever he went, did not apply to the Jews, but only to those national tribes which, as integral political parts, composed the Frankish Empire. Inclusion of the Jews under that

law or developed independently on an original basis. To the Italian Glossators and Commentators of the Roman law the *Corpus Juris Civilis* was in the thirteenth and fourteenth centuries a code of law still in force. Hence, they regarded the position of the Jews as what it had been according to the Justinian *Code,* notwithstanding some modifications and changes effected in the course of developments by Canon law and Italian municipal statutes.[6] No basic alteration in the jurisdictional system or the juridical attitude toward the principles of Roman law is observable in the heyday of Italian jurisprudence. Its aversion to the literal interpretation of laws and statutes gave rise, at times, even to liberal explanations of legal principles or extensive interpretations of the law in favor of the Jews.[6a]

In the Middle Ages the Jews were for the most part city dwellers. Hence, they were in general subject to traditional customary law and communal statutes, unless they were favored with exemptions or were granted privileges of an individual or collective character, establishing special regulations for them. Again, in matters of religion and in their internal legal relations, the Jews enjoyed the privilege of applying Jewish law and of its administration by Jewish courts. This jurisdictional status prevailed in Western as well as Central Europe.[7] Among all the institutions of

principle was assumed by Konrad Maurer, *Kritische Vierteljahrsschrift für Gesetzgebung und Rechtswissenschaft,* IX (1867), pp. 569, 572; *contra,* see Andreas Heusler, *Institutionen des deutschen Privatrechts,* I (Leipzig, 1885), pp. 151-153; Heinrich Brunner, *Deutsche Rechtsgeschichte,* I (second ed.; Leipzig, 1906), pp. 402 f.; Caro, *loc. cit.,* p. 435: "Bis zur vollen Anerkennung als eigentliches Volksrecht scheint es das mosaische Gesetz nicht gebracht zu haben"; G. Kisch, *Speculum,* XIV (1939), p. 368.

[6] The only monograph touching on this theme is Anna T. Sheedy, *Bartolus on Social Conditions in the Fourteenth Century* (New York, 1942), pp. 232, 236 f., 252; cf. G. Kisch, *Historia Judaica,* VI (1944), pp. 78-82; G. Kisch, *Bartolus und Basel* (Basler Studien zur Rechtswissenschaft, Heft 54; Basel, 1960), p. 55, n. 65.

[6a] The topic "The Jews and Mediaeval Italian Jurisprudence," a very complex and comprehensive problem, deserves serious scholarly attention. The author is preparing an essay on "Bartolus and the Jews."

[7] Stobbe, *op. cit.,* pp. 140-143; Johannes E. Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern* (Leipzig, 1901), pp. 251, 254-256; Guido Kisch, *The Jews in Medieval Germany: A Study of Their Legal and Social Status* (Chicago, 1949), pp. 100-103, 172-173; Simon Goldmann,

Jewish self-government in the Middle Ages, the Jewish court was by far the most distinctive and characteristic. For mediaeval Spain, information from Jewish sources concerning the courts and the administration of justice is particularly abundant. The establishment of Jewish tribunals with the king's sanction and the great variety of their judicial functions have been described with exhaustive minuteness by Abraham A. Neuman.[8]

As for Germany and Northern France, there is no similar abundance of rabbinical sources with their typical casuistry, so invaluable for the historian of law and the student of general civilization. Nevertheless, what there is offers important information on the authority and functioning of Jewish courts, with particular emphasis on their relationship to the non-Jewish tribunals. It was a great achievement that the rabbis of those countries, in the eleventh and twelfth centuries, provided appropriate rules from the sources of Jewish law for the needs that confronted the Jews of those days in the European environment. According to the principles of mediaeval Jewish law, the jurisdiction of the Jewish courts was compulsory and exclusive for Jewish litigants.

Die jüdische Gerichtsverfassung innerhalb der jüdischen Gemeindeorganisation, ein Beitrag zur Geschichte des Judenbischofs im Mittelalter in seiner Entwicklung von den ältesten Zeiten bis zum 15. Jahrhundert, Ph.D. Thesis of the University of Cologne (Cologne, 1942; in typescript only); H. J. Zimmels, *Beiträge zur Geschichte der Juden in Deutschland im 13. Jahrhundert, insbesondere auf Grund der Gutachten des R. Meir Rothenburg* (Vienna, 1926), pp. 40-43; David Menahem Shohet, *The Jewish Court in the Middle Ages,* Ph.D. Thesis, Columbia University (New York, 1931); Moses Frank, *Kehillot Ashkenaz u-Bate Dinehen* (The Jewish Communities and Their Courts in Germany from the Twelfth to the End of the Fifteenth Centuries; Hebrew) (Tel Aviv, 1938), especially pp. 117 ff.; James Parkes, *The Jew in the Medieval Community* (London, 1938), pp. 247-250, 255-259; Salo W. Baron, *The Jewish Community, Its History and Structure to the American Revolution,* II (New York, 1942), pp. 236-243; scanty notes also in Herbert Fischer, *Die verfassungsrechtliche Stellung der Juden in den deutschen Städten während des dreizehnten Jahrhunderts* (Breslau, 1931), pp. 123-140.

[8] Abraham A. Neuman, *The Jews in Spain, Their Social, Political and Cultural Life during the Middle Ages,* I (Philadelphia, 1942), pp. 112-160. This is the only one among the works mentioned in which the problem of the relationship of Jewish and non-Jewish courts in the Middle Ages is given attention (pp. 147-160). Cf. also Jacob Mann, "The Responsa of the Babylonian Geonim as a Source of Jewish History," *Jewish Quarterly Review,* N.S., X (1919-20), pp. 137-144.

It was Rabbi Jacob ben Meir Tam (1100-1171) and other rabbinic authorities who, at a gathering at Troyes about 1150, with the assent of a large group of Northern French and possibly Western German rabbis, decreed under the penalty of excommunication "that no man or woman, related or unrelated, may bring a fellow Jew before Gentile courts or exert compulsion on him through Gentiles, be they prince or common man, superior or lower official, except by mutual agreement made in the presence of proper witnesses."[9]

After the issuance of Rabbenu Gershom's (960-1028) *Takkanah* against polygamy, this was probably the only rabbinical ordinance that was universally accepted by all Jewish communities throughout France, Germany, and elsewhere. Even a declaration of intention to bring suit against a fellow Jew before a non-Jewish court stood under the threat of excommunication. The prohibition of recourse to secular (Christian) courts by Jewish litigants was reemphasized by the German rabbinical conventions of the thirteenth century.[10]

All the efforts of mediaeval rabbis to keep litigation between Jewish parties before Jewish tribunals most probably were motivated, first of all, by religious reasons, then by the fear of injustice from non-Jewish courts[11] and by the desire

[9] Heinrich Graetz, *Geschichte der Juden,* VI (fourth ed., Leipzig, n. d.), p. 182; Scherer (*supra,* note 7), p. 236; Louis Finkelstein, *Jewish Self-Government in the Middle Ages,* pp. 155 f. and note 1; Baron, *The Jewish Community,* I, pp. 212 f., 312; III, p. 51 f., note 3. A parallel from mediaeval Canon law seems worth noting. This law placed under punishment procedure against a cleric before secular courts and threatened nullification of their sentences; cf. Erwin Jacobi, "Der Prozess im *Decretum Gratiani* und bei den ältesten Dekretisten," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte,* XXXIV, kanonistische Abteilung, III (1913), p. 236.

[10] Finkelstein, *op. cit.,* pp. 42 f., 236 f; Selig Auerbach, *Die rheinischen Rabbinerversammlungen im 13. Jahrhundert,* Ph.D. Thesis, University of Würzburg (Würzburg, 1932), pp. 36 f., 53, 68, 80 f.

[11] This is correctly pointed out by Finkelstein, *op. cit.,* p. 156, note 1, with reference to talmudic law (*Gittin,* 84 b), and was emphasized also by Stobbe, *op. cit.,* p. 140; cf. Irving A. Agus, *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,* I (Philadelphia, 1947), pp. 57 f., n. 9, 64. Shohet (*supra,* note 7), pp. 103-106, 133, in contradistinction, exaggerates the issue by advancing his generalizing thesis that "hardly any provision was made for the Jews in the civil courts, . . . throughout the entire period of the Middle Ages no Jew was allowed anywhere to give testimony, . . . and the Jews were

to strengthen Jewish judicial power and autonomous authority. This attitude "merely reaffirmed the eternity and inviolability of the divinely instituted Jewish law and, hence, the sovereignty of the Jewish community."[12] It was therefore as logical as it was liberal on the part of the rabbis to permit Jewish litigants to bring their lawsuits before non-Jewish courts only on mutual agreement.[13] The rabbinic convention at Troyes also permitted the citation before non-Jewish courts of litigants who demonstrably refused to appear before a Jewish court.[14]

From all this a noteworthy phenomenon in the history of the judicature in mediaeval Germany becomes easily discernible. Among the decisions rendered by the "Supreme Court" for Germany and Central Europe in general, the *Oberhof* of Magdeburg, thousands of which have come down to posterity,[15] none is found in which both parties were Jews, whereas law cases with one Jewish party sometimes occur in the records. There is not a single instance of a Jew's bringing suit against a fellow Jew in a non-Jewish court. Not even of permissible recourse to a Christian court on mutual agreement or against a Jew who refused to appear before a Jewish court is a single example discoverable in the sources mentioned extending from the thirteenth to the

deprived of a judicial standing in the civil courts." This is contradicted by Shohet's own assertion (p. 99), based on Jewish sources, that "Jewish litigants of their own accord" could "give preference to the secular court for the adjudication of their suit," and that such decisions were considered valid according to Rabbi Isaac ben Moses of Vienna, called Or Zarua (*ca.* 1180-1250).

[12] Baron, *The Jewish Community*, I, p. 214. According to Baron, *op. cit.*, III, pp. 51 f., note 3, "in considering rabbinic insistence upon a Jewish judiciary, one should not wholly discount the vested interests of lay and rabbinic courts in fees and fines." This hypothesis needs stronger support from the sources in order to become acceptable.

[13] Cf. the parallel in Roman law, as mentioned in the beginning of this essay. There the general law permitted Jews to compromise on having judgment rendered by Jewish courts of arbitration.

[14] See *supra*, note 9. In this connection a law case from sixteenth-century Italy deserves to be mentioned. In Padua R. Meier Katzenellenbogen (*ca.* 1482-1565) gave permission to a son of Don Samuel Abravanel to resort to the Christian court against his two brothers since the latter had refused to submit their litigation to a Jewish court of arbitration; cf. Alexander Marx, "R. Joseph Arli and R. Johanan Treves," in *Studies in Memory of Moses Schorr*, ed. L. Ginzberg and A. Weiss (New York, 1944), p. 218.

[15] Cf. Guido Kisch, *The Jews*, pp. 62-68, 172-178, 442, n. 5.

sixteenth century. Evidently the exclusive Jewish jurisdiction and the authority of Jewish courts were well established in mediaeval Germany.

II

Christian Recognition of Jewish Law and Jewish Courts

In mediaeval Spain the Jewish courts seem not to have had an absolutely exclusive jurisdiction, nor did their authority rest on ground as solid as in Germany.[16] The attitude of Jewish litigants toward Jewish tribunals was also different from that in Germany. True, in Spain, too, the Jewish courts were authorized by royal charters to decide all litigations within their judicial districts. True too, the Spanish rabbis also taught that Jewish law prohibited Jews from bringing suit against their Jewish fellows before non-Jewish judges. Not even the consent of both parties, they maintained, could render such procedure permissible. Nevertheless, not infrequently Jews had recourse to the general courts. This was done even in manifest defiance of the Jewish court, particularly upon adverse judgment. Sometimes the Jewish court itself was not averse to having certain cases completely decided by a Christian judge in order to secure effective law enforcement.

Furthermore, the attitude of the kings in Spain toward Jewish tribunals also differed from that of the German rulers. The kings, not satisfied with acting as the final court of appeals only, often assumed the role of judge in the first instance between Jewish parties.

The phenomenon that the authority of the Jewish courts in Spain could be disputed, not only by royal jurisdiction, but even by defiant litigants, originated from a particular legal situation which existed there. However far-reaching

[16] The following summary of the authority and recognition of Jewish courts in Spain is based on A. A. Neuman, *The Jews in Spain*, I, Chapter VIII, pp. 147 f., 150 f., 152 ff.

might have been the king's privileges granted to the Jews, royal policy in Spain did not permit relinquishing any of the Crown's prerogatives. Establishment and recognition of Jewish tribunals thus did not mean complete transfer or surrender of the king's supreme judicial power. This implied that the recognition of Jewish courts and their jurisdiction was restricted within certain limits. The rival jurisdiction of the prince naturally also weakened the authority of the Jewish courts and the morale of Jewish litigants.

Mediaeval German law, through its strict recognition of Jewish law and Jewish courts, gave much better support to the principles of rabbinic law that aimed at making the jurisdiction of rabbinical courts obligatory and exclusive. The rules of German law thus operated strongly in favor of Jewish communal autonomy.

The oldest known charter issued to Jews in a municipal settlement on German soil, Bishop Rüdiger's privilege of 1084 for the Jews of Spires (Speyer), bestowed upon the Jewish court the right of exclusive jurisdiction in legal disputes between Jews.[17] It even extended the competence of this court to lawsuits by Christian plaintiffs against Jewish defendants. Only if the Jewish court regarded itself unable to pass judgment was the suit to come up for decision before the Bishop or his chamberlain (*camerarius*). Similar provisions were incorporated into Emperor Henry IV's privileges for the Jews of Spires and Worms, in about 1090. Here the exclusive character of the Jewish courts' jurisdiction was pointed out with even greater distinctness. "Jewish litigants shall be convicted and judged by their equals and not by others . . . according to their own law."[18] Appeal to the

[17] Julius Aronius, *Regesten zur Geschichte der Juden im Fränkischen und Deutschen Reiche bis zum Jahre* 1273 (Berlin, 1902), no. 168, p. 70:

> Deinde sicut tribunus urbis inter cives, ita archisynagogus suus omnem judicet querimoniam, que contigerit inter eos vel adversus eos. At si quam forte determinare non potuerit, ascendat causa ante episcopum civitatis vel ejus camerarium.

[18] Aronius, *op. cit.*, no. 170 (Spires), p. 73, paragraph 14:

> Quod si Judei litem inter se aut causam habuerint discernendam, a suis paribus et non [ab] aliis convincantur et judicentur. Et si aliquis eorum perfidus rei alicujus inter eos geste occultare voluerit veritatem, ab eo,

imperial court was permitted only for *magnae causae*, dependent on the Jews' own free will.[19] But the prohibition of rabbinic law against resort to Christian courts no doubt forestalled even such a possibility. Through the legal form of privilege, on the other hand, rights were conferred on and prerogatives established for the Jews whereby intentionally and automatically a restriction of the imperial jurisdiction took place.[20] From all this it is evident that, with respect to court jurisdiction, mediaeval Jewry-law in Germany operated decidedly in support of the principles of Jewish law.

The same consequence resulted from the attitude of the mediaeval German lawbooks toward Jews and Jewish law.[21] They confined themselves exclusively to treating the legal relations between Jews and Christians. Jewish law, authoritative for the Jews' internal relations in the field of their religious as well as civil activity, lay outside the scope of the lawbooks: Since their Jewry-law was limited to Jewish-Christian relations, they had to take Jewish law into consideration only in so far as it came within the range of practical applicability in the commercial or legal intercourse of Christians with Jews. Only then could the problem arise whether the validity of Jewish law and its administration by Jewish courts should be recognized. In mediaeval German lawbooks this question was answered decidedly in the affirmative.

With this in mind, one will understand why Jewish law lay outside the scope of the *Sachsenspiegel* (1215-1235),

> qui ex parte episcopi preest synagoge, juxta legem suam cogatur, ut de eo quod queritur verum fateatur.

Similarly, *ibidem*, no. 171 (Worms), p. 76, paragraph 14. Cf. also S. W. Baron's quotation from the privilege for the Jews of Worms and the presentation in his *A Social and Religious History of the Jews*, 2nd ed., IV (New York, 1957), p. 68 f., based upon the literature cited by him on pp. 272 f., n. 86 f.

[19] Aronius, no. 171 (Worms), p. 76, paragraph 14:

> Si autem de magna causa inculpati fuerint, inducias ad imperatorem habeant, si voluerint.

[20] On the legal form of privilege and its function in mediaeval law, see G. Kisch, *The Jews*, pp. 135, 423 f., notes 13-15.

[21] Cf. G. Kisch, *The Jews*, pp. 29 ff., 94-103.

although its author, Eike von Repgow, was cognizant of the existence of Jewish religious law,[22] and why there is no reference to it in the *Sachsenspiegel,* not even in the passage where the Jews' oath is mentioned.[23] From this angle the omission of a Jewry-oath formula from the model *Spiegel* (logically also from the later *Deutschenspiegel* and the original version of the *Schwabenspiegel*) is understandable.[23a] It implies the recognition that Jews must take oaths in accordance with Jewish law.[24] This is explicit in Johann von Buch's *Gloss* on the *Sachsenspiegel* (*ca.* 1325), where the applicability of Jewish law in this respect is expressly recognized.[25]

The lawbook of Meissen (*Meissener Rechtsbuch*), composed probably between 1357 and 1387, is even more explicit in recognizing Jewish courts and Jewish law. Although it takes for granted the functioning of princely courts established for Jews and considers the appeal of a Jew to his overlord permissible,[26] the rule is laid down that, except in criminal cases, "Jews shall not suffer judgment on any spot other than in the *Schule* or before the *Schule.*"[27] Hence, Jews

[22] Cf. *Sachsenspiegel,* Landrecht, 2nd ed. by Karl August Eckhardt (Göttingen, 1955), III, 42, 4:

> He also commanded that the seventh week be kept holy when He gave the Law to the Jews and to us the Holy Ghost.

[23] *Sachsenspiegel,* III, 7, 4 (2).

[23a] On the insertion of the Jewry-oath formula in the *Frankenspiegel* (*Kleines Kaiserrecht*), see Lutz Hatzfeld, "Frankenspiegel oder Kaiserrecht?," *Tijdschrift voor Rechtsgeschiedenis,* XXVI (1958), p. 31.

[24] Cf. G. Kisch, *The Jews,* pp. 100 f., 275-285, 410, n. 19, 506-515; G. Kisch, *Forschungen zur Rechts und Sozialgeschichte der Juden in Deutschland während des Mittelalters* (Zürich, 1955), pp. 137-184.

[25] *Gloss* on *Sachsenspiegel,* III, 7, 1 (ed. Augsburg, 1516), fol. 131a; ed. Zobel (Leipzig, 1560), fol. 332b (the additions in Zobel's edition are put into brackets):

> . . . But the wording of the oath may well be as the law speaks of it: [for it says that] they shall swear according to their own manner, 22 *qu. l. c. movet* [*Decretum Gratiani,* c. 16, C XXII, qu. 1].

In this quotation from Canon law it is recognized that the Jew, in taking an oath, appeals to the true God: *Iudei iuraverunt per Deum verum.* This attitude is shared by the *Gloss* on *the Weichbild-Vulgata* (fourteenth century), Art. 137 (ed. Budissin, 1557).

[26] Friedrich Ortloff, *Das Rechtsbuch nach Distinktionen* [=*Meissener Rechtsbuch*] (Jena, 1836), III, 17, 30; Guido Kisch, *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews* (American Academy for Jewish Research, *Texts and Studies,* vol. III; New York and 's-Gravenhage, 1949), pp. 75-89.

[27] *Meissener Rechtsbuch,* III, 17, 41:

could be sued only in a Jewish court, which was thus competent even if the plaintiffs were Christians. It is quite understandable that this far-reaching principle could not remain uncontested in mediaeval court practice. In another provision of the *Meissener Rechtsbuch* the receiving of stolen goods by Jews was put under the section covering "forfeiting their Jewish law and all rights granted them by emperors and princes."[28] That Jewish law is actually meant here, and that only the second half of the clause refers to Jewry-law, appears clearly from a preceding passage that carries this sanction: "They [Jews lending out money upon stolen goods] shall forfeit their legal standing among Jews as well as Christians."[29] Furthermore, according to the same lawbook, cases involving bodily injury or homicide between Jews were to be judged in the same way as those between Christians. Full recognition of Jewish law and Jewish courts is shown in the additional provision that such an offense should incur the penalty fixed by Jewish law, in addition to that imposed by the general law.[30]

> Dy jodden sullen an keyner stad gerichte liden wen in der schule oder vor der schule; ane umbe dipheyd, unde bosheyt, dy eyn jodde eyner cristenmayd adder fruwen notczagete, adder ab dy jodden cristenkinder abhendigk brechten: do sal man umbe richten an gerichtes bangk, also ander bose lute.

Identical or similar provisions are in several other lawbooks the texts of which are now to be found in G. Kisch, *Jewry-Law in Medieval Germany* (*supra*, n. 26). Only one court decision, probably from the first half of the fourteenth century, may be mentioned here. It states the following principle, offering two reasons for the exclusive competence of the Jewish court:

> Judei tamen, clerici et nobiles, quia proprios habent judices et actor forum rei sequi debet, coram eisdem judicibus sunt conveniendi.

Brünner Schöffenbuch, no. 14, in Emil Franz Rössler, *Die Stadtrechte von Brünn aus dem XIII. und XIV. Jahrhundert* (Prague, 1852), p. 10. Cf. G. Kisch, *The Jews*, p. 102.

28 *Meissener Rechtsbuch*, III, 17, 4:

> . . . unde vorluset judisch recht und alle recht, dy von keysern und fursten in geben sint.

29 *Meissener Rechtsbuch*, III, 17, 3:

> . . . unde wert rechtelos under den jodden unde cristen. Cf. Johannes Purgoldt's *Rechtsbuch* (about 1503-1504), ed. by Friedrich Ortloff (Jena, 1860), VIII, 87.

30 *Meissener Rechtsbuch*, III, 17, 40:

> Slehet, oder wundet, oder totet ein jude den andern, das ist czu richten

The recognition of judgments rendered by Jewish courts in accordance with Jewish law can also be proved from the legal practice under the law of Magdeburg.[31] One interesting instance may here suffice. A Jew, Moshe, applied to the municipal council of Breslau, where he resided, for a safe-conduct in order to be exempt, when traveling abroad, from any liability for the debts of his home town. His application was rejected for the time being, "unless he were first absolved from the Jewish ban under which he is said to stand."[32] In other words, excommunication by a Jewish court was considered equal to *Verfestung* by a secular, or excommunication by an ecclesiastical, court.

In another interesting case from the middle of the fourteenth century, related in the *Brünner Schöffenbuch,* the

> als under den cristen. Waz darnach nach judischem gesecze ist, daz schol er darnach liden, wenn er unser gerichte geliden hat.
> (What, in addition, is demanded by Jewish law, he [the Jewish transgressor] shall suffer afterward when he has suffered our judgment.)
> Cf. Stobbe, *op. cit.*, p. 255, n. 132a.

[31] Cf. *supra,* note 15. — Attention should also be directed to the recognition by Christian courts of legal documents pertaining to transactions such as promissory notes, deeds of sale, etc., executed according to Jewish law and by Jewish courts; for details, see Adolf Kober, *Grundbuch des Kölner Judenviertels* 1135-1425 (Bonn, 1920), pp. 25-29, 46-48. — In the light of all this documentary evidence, the following assertion by Forchhammer (*infra,* note 36), p. 377, unsupported by a single reference, seems strange: "Die Juden verzichteten oft deshalb auf das ihnem zustehende Recht [namely exclusive jurisdiction of Jewish courts], weil die von dem jüdischen Gericht erteilten Entscheidungen von dem christlichen natürlich nicht anerkannt wurden, die Juden dieselben also niemals heranziehen konnten, wenn es sich darum handelte, etwas durch Gerichtszeugnis zu beweisen." Forchhammer's reference to a document of 1348 in Eduard Jacobs, *Urkundenbuch der Stadt Wernigerode bis zum Jahre* 1460, in *Geschichtsquellen der Provinz Sachsen,* Vol. XXV (Halle, 1891), no. 104, p. 59, is misleading, for it does not deal with a litigation between Jews before a Christian court. It is actually a deed issued by the town council of Braunschweig to confirm arrangements between certain Jews for the transfer of monetary claims against their Christian debtors. The text, not reproduced in the *Urkundenbuch* of Wernigerode, can be found in *Zeitschrift des Harzvereins für Geschichte und Altertumskunde,* XIV (1881), pp. 161 f.

[32] Manuscript G 5, 28 of the Municipal Archives of Breslau (formerly Germany, now Wroclaw, Poland), p. 91 (cf. also 64) (*a.* 1431):

> Mossche (de Brega) non debeat habere conductum, nisi prius fuerit absolutus a banno judaico, quo dicitur esse innodatus.

Cf. Theodor Goerlitz, "Die Haftung des Bürgers und Einwohners für Schulden der Stadt und ihrer Bewohner nach Magdeburger Recht," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte,* Germanistische Abteilung, LVI (1936), p. 159.

Jewish court, by virtue of superior legal reasoning, was able to prevail even against the Christian court.

> A citizen of Gostel, having had some things stolen from him at night, found them in the morning, after sunrise, in the possession of a Jew in the street, who openly carried them in a sack on his back. The jurors ordered the Jew brought before the court, with the sack tied round his neck. But the Jewish judge did not permit this on the grounds that the Jew had been taken while carrying the sack openly, and not at the commission of a theft itself. A ruling was therefore sought as to what the law was in this case.[32a]

Thereupon the juridical question involved was submitted to the superior court, and this tribunal's final decision upheld the legal opinion of the Jewish court.

There is no doubt that, with such an attitude on the part of the Christian jurists and courts toward Jewish law as expressed in lawbooks and court decisions, the authority of Jewish courts in Germany was considerably strengthened and greatly enhanced. This, in turn, had a very wholesome influence on the morale of Jewish litigating parties.

[32a] Rössler, *Die Stadtrechte von Brünn* (*supra*, note 27), no. 306, p. 139 f.:

> Dum in Gostel cuidam civi de nocte res essent subtractae, de mane post ortum solis in platea judaeum res praedictas in sacco publice in dorso portantem invenit. Jurati vero cum judaeum sacco super eum ligato tribunali praesentare mandassent, judex judaeorum allegans, quia judaeus manifeste saccum portans, et non in actu furti deprehensus fuisset, hoc fieri non permisit. Quaesitum est ergo, quid sit juris in hoc casu.

From another decision, *ibidem*, no. 432, p. 202, it is clear that the Jewish court is meant by the term *judex judaeorum:*

> Dictus denique judaeus, quia judex judaeorum a civitate declinaverat, coram tribunali christianorum ductus fuerat . . .

In the last-mentioned case, however, the opinion of the Jewish court could not prevail, that a confession by a Jewish transgressor must be made in the presence of Jews as well as Christians and that the presence of Christian jurors alone was not sufficient for its validity.

III

Competitive Jurisdiction of Jewish and Christian Courts

The jurisdictional conditions prevailing in mediaeval Spain as described above resulted, of necessity, in serious rivalry between the Jewish and the king's courts. The confusion in the jurisdiction over Jews litigating with Jews or Christians was increased by the fact that the judicial functions of the numerous Crown officials were not clearly defined. "It would be a hopeless task," says the historian of Spanish Jewry, "to trace a consistent policy in these subdivisions of authority. . . . Frequently the rival courts and officials interfered with each other. . . . Thus the individualism which marked the judicial procedure of the Spanish courts bordered on arbitariness."[33] The confusion caused by the parallel and conflicting jurisdiction of Jewish and Christian courts was somewhat mitigated only through the direct or indirect recognition of Jewish law and of the competence of Jewish courts. It became a generally accepted principle of unqualified recognition of Jewish jurisdiction according to Jewish law, even if the judges were Christians. The latter, then, regularly consulted rabbinic jurists in Jewish cases, or even transferred the entire litigation to the *Beth Din,* or Jewish court, for decision. To a limited extent, in the twelfth century only, mixed courts, consisting of Christian and Jewish judges, were entrusted with the decision of "mixed" cases, those between Jewish and Christian litigants.[34]

No similar confusion prevailed in mediaeval Germany. Here, the jurisdictional conditions described promoted general regulation rather than judicial arbitrariness in individual cases. There were only sporadic deviations from the basic principle of unqualified recognition of Jewish jurisdiction

[33] A. A. Neuman, *The Jews in Spain,* I, pp. 156, 147, 152 f., 154.

[34] Neuman, *op. cit.,* p. 155; Fritz Baer, *Studien zur Geschichte der Juden im Königreich Aragonien während des* 13. *und* 14. *Jahrhunderts* (Berlin, 1913), p. 75.

in litigations between Jews. This common rule was sometimes opposed by the Christian authorities, as in Zürich and Freiburg, Switzerland, but in Bern Jewish courts were allowed to function for Jewish litigants.[35] In Zürich and Freiburg, the general municipal courts were given exclusive jurisdiction over litigation between Jews.[36] Their verdict was to be regarded as *res judicata*, and in such cases the Jews were required to take an oath that they would never institute proceedings in the same cause before a Jewish court.[37] The reason for this rigid rule is not evident from the sources. In Zürich it was somewhat mitigated by the proviso that litigating Jews might compromise upon arbitration by Jews.[38] In Freiburg, the municipal court was free to assign

[35] Cf. Stobbe, *Die Juden in Deutschland*, pp. 141, 254 f., note 132; Augusta Steinberg, *Studien zur Geschichte der Juden in der Schweiz während des Mittelalters* (Zürich, 1903), pp. 26 f.

[36] Criminal jurisdiction over Jews belonged, always and everywhere in German lands, to the territorial rulers or town lords and to their respective courts; cf. Stobbe, *op. cit.*, pp. 160 f.; Steinberg, *op. cit.*, pp. 26 ff.; Emanuel Forchhammer, "Beiträge zur Geschichte der deutschen Juden mit besonderer Beziehung auf Magdeburg und die benachbarte Gegend," *Geschichtsblätter für Stadt und Land Magdeburg*, XLVI (1911), pp. 378, 381 ff., 386. Jury court decision in accordance with Magdeburg law in a Cracow manuscript from the end of the fourteenth century, in Ferdinand Bischoff, "Über eine Sammlung deutscher Schöffensprüche in einer Krakauer Handschrift," *Archiv für Kunde österreichischer Geschichtsquellen*, XXXVIII (1867), p. 18, n. 302:

> If, then, you have taken the Jew [in a matter of] over six *groschen*, and have to pass judgment on him, you may sentence him as a counterfeiter; but if you have not to judge Jews, then hand him over to him who rightfully has to pass judgment on him, your overlord, the *voivode* of Cracow.

Cf. also *Meissener Rechtsbuch*, III, 17, 40 (*supra*, note 30).

[37] Stobbe, p. 254 f., n. 132:

> If a Jew is wronged by another [Jew], he shall take his cause before the Burgomaster and [Municipal] Council, and as they pass judgment according to their knowledge, so it shall be for ever, and in such case no Jew shall seek or receive adjudication by Jewish law against the other (". . . und soll kein jud darin kein judenrecht von dem anderen suchen und nehmen").

Cf. also Steinberg, *op. cit.*, p. 27, for Freiburg, Switzerland.

[38] Stobbe, p. 255, n. 132. This provision corresponds to the rule of Roman law, *Codex Theodosianus*, II, 1, 10 (*supra*, note 1). Whether the regulation for the Jews of Zürich here under consideration, dating from the second half of the fourteenth century, can be ascribed to any influence of Roman law, is difficult to decide. The problem requires consideration in the course of researches on the history of the reception of Roman law in Switzerland, researches that are now being carried on by a group of Swiss scholars

lawsuits between Jews for decision to rabbis or Jewish laymen of good standing.[39] In fourteenth century Goslar the assumption of jurisdiction by the municipal court in lawsuits that properly belonged before the recognized Jewish court was seemingly a coercive measure provoked by the internal discord which disturbed that Jewish community at the time.[40]

As a rule, the Christian courts and authorities in mediaeval Germany did not interfere with the jurisdiction or functioning of Jewish courts. Their competence and the bounds of their judicial activities were distinctly delimited and strictly regulated by law. Thus, little room was left for parallel or conflicting jurisdiction. The predominant legal situation was well described in a court decision from the middle of the fourteenth century incorporated in the *Brünner Schöffenbuch*:

> In an action by a Jew against a Jew the jurors of the Jews alone can pronounce judgment, unless they are perhaps unwilling or suspected by the parties; then Christian jurors shall be appointed to pronounce judgment together with the Jewish jurors.[41]

According to the general rule laid down in this decision, Jewish courts enjoyed the privilege of exclusive competence for Jewish litigants. There were only two possibilities of

in connection with the so-called "New Savigny," preparations for a new edition of Friedrich Carl von Savigny's monumental work, *Geschichte des Römischen Rechts im Mittelalter*; 7 vols., 2nd ed. (Heidelberg, 1834-1851).

[39] Cf. Steinberg, *op. cit.*, p. 27.

[40] For details, see Forchhammer (*supra*, note 36), p. 386; cf. Herbert Fischer, "Die Judenprivilegien des Goslarer Rates im 14. Jahrhundert," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Germanistische Abteilung, LVI (1936), p. 137, note 1.

[41] Rössler, *Die Stadtrechte von Brünn aus dem XIII. und XIV. Jahrhundert*, p. 207, chapter 441:

> *De judaeis ad invicem contendentibus.*
> In quaestione, quam judaeus movet judaeo, soli jurati judaeorum sententias dicere possunt, nisi fortassis nolint, vel partibus habeantur suspecti; tunc enim christiani jurati cum judaeis ad pronuntiandum sententias assumantur. Sic sententiatum est in Radisch.

Cf. also Gertrud Schubart-Fikentscher, "Das Brünner Schöffenbuch, Beiträge zur spätmittelalterlichen Rechts- und Kulturgeschichte," in *Deutsches Archiv für Geschichte des Mittelalters*, I (1937), pp. 457 ff., especially pp. 466, 470 f.

making this principle inoperative: if the Jewish court renounced its jurisdiction or became suspect. The transfer of competence in these two cases to a mixed Jewish-Christian court, although unusual in litigations between Jews, exposes the underlying motive: situations of that kind inevitably invited interference by the Christian authorities. While this was the inescapable consequence of the Jewish court's failure to render judgment, generally no competitive or parallel tribunals contested the jurisdiction for which Jewish courts were instituted and recognized. The latter, on the other hand, could very well accept the jurisdictional order described.[42] Naturally, many more detailed regulations and individual lawcases, particularly from rabbinic sources, would be needed to clear up all the questions connected with the problem of the relations between Jewish and Christian courts in the Middle Ages.[43]

IV

An Early Law Case Concerning Court Jurisdiction (*ca.* 1093)

The source material available provides a fairly good picture of jurisdictional conditions in Germany during the thirteenth and fourteenth centuries. For obvious reasons, however, legal documents of the eleventh century relative to jurisdiction and the relations of Jewish and Christian

[42] As for the principle, *dina de-malkuta dina* (law of the kingdom [country] is law), still much in need of an exhaustive monographic study, see G. Kisch, "Research in Mediaeval Legal History of the Jews," in *Proceedings of the American Academy for Jewish Research,* VI (1934-35), p. 244, n. 24; Kisch, *Forschungen* (*supra,* note 24), p. 198, n. 16; Isaac Herzog, *The Main Institutions of Jewish Law,* I (London, 1936), pp. 24-32.

[43] This writer may be permitted to quote here a remark of his own made in 1931 in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte,* XXIV (1931), p. 476, now reprinted in his *Forschungen,* p. 243: "Die Geschichte der Gerichtsbarkeit über die Juden d. h. die Stellung der Juden in der allgemeinen Gerichtsbarkeit und die Entwicklung der eigenen jüdischen Gerichtsbarkeit, sowie für beide Bereiche Gerichtsverfassung und Zuständigkeitsordnung gehören mit zu den wichtigsten und interessantesten Kapiteln der Judenrechtsgeschichte. Es handelt sich da um ein Thema, dessen gründliche Bearbeitung ebenso aussichtsreich wie wünschenswert ist."

courts are extremely scarce. In this circumstance a law case and legal opinion from about 1093, shedding some light on the competence and mutual attitude of Christian and Jewish courts in deciding litigations between Jews, gains particular significance. It is contained in a halakic work known by the title *Ma'aseh ha-Geonim* and published as late as 1909 from a manuscript in private hands.[44]

Original Text

לאה שמישכנה את תכשיטיה אצל ראובן עד זמן וכשבא שמעון בעלה לא היה חפץ לפדות עדיין שאמר לא כי הלואה לוית לאשתי כי אם פשוט׳ כנגד זהובים דהיינו ריבית, ושהה ראובן שנה או שנתים ורצה לפדותו ובאו לפני גזבר של גוים וצוה הגזבר ליהודים מאחר שבא המעשה לפניו לדונם כמשפט, ודנום יהוד׳ ואמרו מאחר שנשפט לפניך צוה שמעון ואשתו שיפדו משכונם עד זמן קבוע, ואם יעבר הזמן תן לו רשות למכרו וכן עשה ראובן ומכרו לגוים ולאחר זמן תבע שמעון את משכונו ואמר לראובן הילך ה(י)קרן ומ(ה)ההעלאה נשאל בבית דין, שמא רבית הוא, וענהו ראובן כבר נתפרעתי ממשכונך על פי היהודים ועל פי גוים לפי שהתריתי בך כמה וכמה ולא חפצת לפדותו כי נתכונתה למצוא בי עלילה וטענה. והשיבוני מה שנתנו לו רשות היהודים על פי וועד גוים, כל מעשה גוים אינו כלום וכל שעושין ישראל בוועד הגזבר אינו ממש ואינו דת ודין, לפי שהדיין צריך לעיין ולהתחמק. והוא פשע שמכר בלא רשות בעלים ובלא רשות בית דין, אלא חייב שמעון בדיני שמים וצריך לפייסו עד שימחול לו, וישבע המלוה שאין המשכון ברשותו, דחיישינן שמא נתן עיניו בו או הערים בו, והלוה ישבע כמה הי׳ שוה המשכון ויקבל דמיו.

44 *Ma'aseh ha- Geonim* (cod. Goldschmidt-Frankfurt a. M.), mit Einleitung und Anmerkungen von A[braham] Epstein, ergänzt und redigiert von J[akob] Freimann (Berlin, 1909), § 81, pp. 70-71. Cf. Ismar Elbogen, "Hebräische Quellen zur Frühgeschichte der Juden in Deutschland," *Zeitschrift für Geschichte der Juden in Deutschland*, I (1929), pp. 34 ff.; also A. Epstein, "Schemaja, der Schüler und Sekretär Raschis," *Monatsschrift für Geschichte und Wissenschaft des Judentums*, XLI. (1897), pp. 298 ff. In this connection attention should also be called to a *responsum* of Rabbenu Gershom (960-1028) published in Joel Müller, תשובות חכמי צרפת ולותיר — *Réponses faites par de célébres Rabins français et lorrains du XI. et XII. siècle* (Vienna, 1881), pp. 54 ff.; cf. Sali Levi, "Von der Eigenart der klassischen Handhabung des jüdischen Religionsgesetzes im Rheingebiet," מנחת תודה [*Festgabe*] *Max Dienemann zum sechzigsten Geburtstag gewidmet vom Vorstand der israelitischen Religionsgemeinde Offenbach am Main* (Frankfurt a. M., 1935), pp. 69 f., 72. It brings to light cooperation between Christian and Jewish courts in behalf of the restoration to their lawful owner of goods lost in a shipwreck. This case is also interesting because of the recognition of non-Jewish law by the Jewish court.

English Translation[45]

Leah gave her jewelry as a pledge to Reuben for a certain length of time. When her husband Simeon came he was unwilling to redeem it as yet and argued: "You did not make a loan to my wife but merely *Peshutim* against *Zahubim* (gold pieces) which is tantamount to usury." Reuben, after having waited a year or two, was eager that it be redeemed, and they came before the *Gizbar* of the Gentiles. The *Gizbar* ordered Jews, since the case came before him, to render judgment over them according to law. The Jews judged the case and said [to the *Gizbar*]: "Now that the case had been adjudicated before you, order Simeon and his wife to redeem the pledge within a fixed period; and if that time elapses permit him [Reuben] to sell it." And so Reuben acted. He sold it [the jewelry] to Gentiles. After some time Simeon claimed back his pledge and said to Reuben: "Here is the principal, and with regard to the amount over and above let us consult the *Beth Din,* lest it be considered usury." Whereupon Reuben answered: "I have already collected payment from your pledge on the authority of the Jews and the Gentiles, for I warned you many times but you did not wish to redeem it for you intended to find some charge or pretext against me."

They answered me: As for the permission given to him by the Jews under the authority of the *Vaad Goyim* [Commission of the Gentiles], the acts of Gentiles are invalid, and the acts of the Jews under [the direction of] the *Vaad* of the *Gizbar* have no substance, no validity, nor legality; for a *Dayyan* [judge] must consider a case carefully and reserve judgment for a while. He [i.e., Reuben] acted wrongly in selling it without the permission of the owner

[45] In 1945 Professor Boaz Cohen of the Jewish Theological Seminary of America prepared this translation which, upon my request, was made as faithful to word and meaning as the difficult rabbinic Hebrew allowed.

> and of the *Beth Din.* But Simeon is morally[46] responsible and should conciliate him so that he pardons him. The creditor [Reuben] takes an oath that he does not possess it, for we suspect he might have taken a liking to it or [obtained possession of it] by circumventing the law. The debtor takes an oath, how much the pledge is worth and receives payment therefor.

This lawsuit and legal opinion have not failed to attract the attention of historians. It was Ismar Elbogen, in particular, who chose this legal text as an example to demonstrate the importance and value of Hebrew (rabbinic) sources for the early history of the Jews in Central Europe.[47] He translated it into German and commented on it, but had to conclude his treatise with a *non liquet.* Salo W. Baron merely cited the pertinent chapter of the *Ma'aseh ha-Geonim* as an instance.[48]

The main problem concerns jurisdiction in a legal dispute between two Jews designated as Reuben and Simeon.[49] The text must be divided into two paragraphs (as has been done in the translation): the first comprises an account of the *status causae et controversiae* in direct quotation of the participants; the second, in the third person, represents the legal opinion or decision of either a rabbinic authority or an authoritative Jewish court.[50] Elbogen was cognizant of this fact,[51] but the translation underlying his discussion was

[46] The literal Hebrew text reads: "Simeon is responsible in the heavenly courts."

[47] See *supra,* note 44, and Elbogen, *loc. cit.,* p. 38. Early in July, 1943, the present writer discussed his intention of suggesting a new interpretation of this text with the late Professor Elbogen, who encouraged him to do so.

[48] Baron, *The Jewish Community,* III, p. 176, note 15: "For the arrest of Christian debtors by Jewish creditors in Germany and for the generally extensive criminal jurisdiction in the early German-Jewish communities." It seems that this citation belongs to another context or has crept into the text only by an oversight.

[49] "Reuben" and "Simeon" are, of course, merely the fictitious names customarily employed, for which Elbogen, *loc. cit.,* p. 36, in accordance with the German usage, substituted the sigla "A" and "B."

[50] Professor Boaz Cohen called my attention to the heavy leaning on the talmudic wording in the final section of the second paragraph, *Shebuot,* 43b; cf. *Baba Mezia,* 34b. This is undoubtedly a confirmation of the rabbinic authorship.

[51] Elbogen, *loc. cit.,* p. 36, rendered the beginning of the second paragraph,

too free and the case was detached from its legal-historical background and connections.[52] In concluding, Elbogen remarked: "The problem is far from definitely solved, but the question of the actual operation of Jewish jurisdiction and the relation between the Jewish court and the municipal court is still so obscure that even the slightest contribution to it deserves attention."

This writer therefore ventures the following attempt at a new solution.

The foremost and basic question is: How could it have happened that a legal dispute, both parties to which were Jewish, was first brought for decision "before the *Gizbar* of the Gentiles"?

The term *Gizbar,* used in *Ezra* I:8, for an officer of the treasury of the king of Persia, was retained in the Hebrew language and designates in rabbinic literature an official of the treasury.[53] The mediaeval Latin equivalent is *camerarius.* Because of the Rhenish origin of the *Ma'aseh ha-Geonim* and the mention therein of Mayence, Spires, and Cologne, reference to the contemporaneous charters for the Jews in Spires and Worms[54] seems quite plausible. According to

והשיבוני, with "Darauf erwiderte B" (Simeon), instead of "They answered me." According to Elbogen, p. 37, n. 16, the first section of the second paragraph is Simeon's reply, and he ascribes only the second section concerning the oaths to a rabbinic authority. This subdivision has evidently no basis in the text; cf. also Elbogen's doubts as expressed on p. 36, last two lines, and p. 37, first line. Wording as well as meaning rather testify that the second paragraph forms a homogeneous whole ascribable only to rabbinic authorities.

[52] A comparison of the Hebrew text and the above English translation with Elbogen's German translation, p. 36, will show the discrepancies. Only a few important deviations from the text may be pointed out here: ובאו לפני גזבר של גוים is rendered thus: "Schliesslich kam es zu einem Prozess vor dem christlichen Gisbar"; the passage וצוה הגזבר ליהודים until כמשפט is rendered: "Dieser Gisbar nun befahl, da die Sache vor sein Forum gelangt wäre, *dem jüdischen Gericht,* vor ihm das Urteil nach jüdischen Recht zu fällen;" the concluding clause, "and receives payment therefor," was entirely omitted by Elbogen who consequently considered the conclusion "abrupt": "Es geht aus dem offenbar völlig abrupten Schluss nicht klar hervor. . . ." See also *supra,* note 51.

[53] On *Gizbar* and *camerarius,* see Elbogen, pp. 37 f., with further references; there also remarks on the *va'ad* of the *Gizbar.*

[54] For bibiliography on these charters, see Parkes, *The Jew in the Medieval Community,* pp. 97 f.; in addition, Sara Schiffmann, "Die Urkunden für die Juden von Speyer 1090 and Worms 1157," *Zeitschrift für die Geschichte der Juden in Deutschland,* II (1930), pp. 28-39; Raphael Straus, "Die Speyerer

Bishop Rüdiger's charter of 1084 for the Jews of Spires, the bishop retained for himself or his *camerarius* a very restricted jurisdiction in litigations between Jews.[55] Similar clauses were incorporated in Emperor Henry IV's privileges for the Jews in Spires and Worms, about 1090.[56] The rule was that "Jewish litigants shall be convicted and judged by their equals and not by others." This was in complete agreement with the attitude of the rabbis toward problems of jurisdiction. They claimed exclusive competence for the Jewish courts "except upon mutual agreement made in the presence of proper witnesses."[57]

In the case under consideration no mention is made of such an agreement. Nor is there any reference to an "extraordinary" competence of the territorial ruler.[58] Elbogen correctly assumed that, if a *bishop's* jurisdiction had been invoked, this fact would certainly have been stated.[59] But he was also aware of the exclusive competence of the Jewish court in litigations between Jews.[60] Hence, he resorted to a compromise as an expedient: "Jewish litigants have the right to repair to the court of the town lord which, however, does not pass judgment itself, but orders the Jewish judges to pass judgment. The sentence is to be pronounced by the court of the town lord. The function of the municipal court is thus restricted to that of an executive organ, while

Judenprivilegien von 1084 and 1090," *ibidem*, VII (1938), pp. 234-239; Straus, *Historia Judaica*, III (1941), pp. 107-109.

55 See *supra*, note 17.

56 See *supra*, note 18.

57 See the *Takkanot* of the convention of rabbis at Troyes (about 1150), *supra*, text, at note 9.

58 Cf. Elbogen, p. 37: ". . . grundsätzlich besitzen die Juden eigene Gerichtsbarkeit in Zivilstreitigkeiten untereinander. Ihr ordentlicher Gerichtsstand ist das jüdische Gericht. Daneben aber haben sie einen ausserordentlichen Gerichtsstand bei dem Gericht des Territorialherrn." This theory of Elbogen's influenced Sali Levi, "Von der Eigenart der klassischen Handhabung des jüdischen Religionsgesetzes im Rheingebiet" (*supra*, n. 44), p. 72. But Levi correctly pointed out the restrictive factor, namely, mutual agreement between the parties to repair to a non-Jewish judicial authority: "Es muss allerdings einschränkend darauf hingewiesen werden, dass die Anordnung der nichtjüdischen Ortsbehörde im vorliegenden Falle nur auf Anruf und Wunsch der jüdischen Interessenten erfolgte."

59 Elbogen, p. 38, n. 24.

60 See *supra*, note 58.

unrestricted jurisdiction remains in the hands of the Jews."[61] This solution does not seem satisfactory, from the point of view of either Jewish or non-Jewish law. In fact, such a procedure is entirely unparalleled in the history of mediaeval law. Moreover, it is in outright contradiction to the principles of Jewish[62] as well as mediaeval German law.[63]

It is the rabbinic decision itself that suggests by implication valuable hints toward a solution of the puzzling legal situation. The decision that "Reuben acted wrongly in selling the jewelry without permission of . . . the *Beth Din*" strictly denies the qualification of a lawful *Beth Din* to "the Jews who had judged the case": "The acts of the *Jews* [not of the *Beth Din*] under the direction of the *Vaad* of the *Gizbar* have no substance, no validity, nor legality"; for a real *Dayyan,* a Jewish judge, must give any case proper deliberation and not make an over-hasty decision. Of no less significance is the fact that the Jews who "judged the case" turned to the *Gizbar* with a request to put their decision into force. No lawful Jewish court in mediaeval Germany would have taken such a step. The reason offered for it, namely, "that the case had been adjudicated before the *Gizbar,*" speaks for itself. If those Jews had acted merely as legal advisers on Jewish law to the *Gizbar* (this is the only other possibility still open), they were, of course, likewise not to be considered a regular and lawful *Beth Din* or Jewish court.

Moreover, the rabbinic decision is also correct in refusing recognition to the acts of the Christian court. The latter had no competence, either by law or by mutual agreement of the parties, to try a "Jewish" case. Such a case

61 Elbogen, p. 37.

62 See *supra,* Section I of this essay.

63 Cf., *e. g.,* the infliction by German law of punishment according to Jewish law on a transgressor who already had suffered punishment according to Saxon law; *Meissener Rechtsbuch,* III, 17, 40, *supra,* note 30.—The South German lawbook, *Schwabenspiegel* (*ca.* 1275) (second ed. by Heinrich Gottfried Gengler, Erlangen, 1875), art. 214, 13, mentions a mutually supplementary jurisdiction of secular and ecclesiastical courts to enforce their rules concerning the Jews and their relationships with Christians. No trace, however, of a dual jurisdiction in lawsuits between Jews is to be found.

belonged, according to law, exclusively to the Jewish court for adjudication. The text tells us that Reuben was "eager that the pledge be redeemed." Later he was declared responsible for having sold the pledge "without the permission of the owner and of the *Beth Din.*" From all this it seems most probable that it was Reuben who had brought the case before the *Gizbar*, in defiance of both Jewish and German law.

With this recognition the ensuing proceedings also become clear. The *Gizbar*, according to law, was obligated either to declare himself incompetent to try this "Jewish" case or to transfer it to the lawfully instituted *Beth Din.* But he did neither of these. Instead, he appointed and ordered "Jews to render judgment according to law, since the case came before him." The implication is that later the *Gizbar* also gave permission to Reuben to sell the pledge. Thus he, too, "acted wrongly" and probably—as may be surmised—in collusion with the plaintiff Reuben. Like the latter he may have been prompted by some material interest.

That the solution of the case as here suggested is no vague theoretical assumption can be easily seen from a similar legal situation referred to and dealt with in the charter of Duke Sobieslav II of Bohemia for the Germans in Prague (1176-1178), which goes back to an older privilege issued by King Vratislav II (1061-1092).[64] In this document the Germans were granted a far-reaching privilege: the German court was to have exclusive competence in all civil lawsuits between Germans or against Germans, "be the plaintiff a Bohemian or a Latin or whosoever." In its article 12 the charter considered in particular the (probably not rare) case of a suit brought against a German before the *camerarius.*[65]

> "Then the supreme *camerarius* is obligated to send a messenger to the judge of the Germans, and the judge of the Germans himself shall adjudicate the cause, and

[64] Latest edition, by Wilhelm Weizsäcker, "Die älteste Urkunde der Prager Deutschen," *Zeitschrift für sudetendeutsche Geschichte*, I (1938), pp. 180-182; especially art. 2, 3, 9, 10, 12.

[65] For a detailed discussion of this passage, see Adolf Zycha, *Prag: Ein Beitrag zur Rechtsgeschichte Böhmens im Beginn der Kolonisationszeit* (Prague, 1912), pp. 142-144; Weizsäcker, *loc. cit.*, pp. 170 f.

nothing else is incumbent on the *camerarius* herein."[66]

It was a closely analogous situation in which the *Gizbar-camerarius* found himself when Reuben brought suit before him against Simeon. He did not, however, meet the obligations arising from such a situation. Hence, the rabbinic decision finds full justification, not only in Jewish, but also in German law.

If the discussion on the preceding pages is an acceptable explanation of the jurisdictional problems involved, it offers some additional insight into the relations between Jewish and Christian courts in the Middle Ages. This result could not have been obtained, however, without proper inquiry into the legal history of those relations.

[66] Art. 12:

Item si Boemus vel Romanus vel quiscunque inculpaverit Theutunicum, tunc camerarius summus debet mittere nunccium ad judicem Theotunicorum et ipse judex Theotunicorum judicabit causam illam et ibi nichil plus pertinet ad camerarium.

OCCUPATIONAL PROBLEMS OF JEWISH EMANCIPATION IN FRANCE, 1789-1800

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I

Restrictions during the Old Regime

THE nature of Jewish occupations was cited as a major argument both in favor of and against Jewish emancipation in the course of the great debate on that issue after the outbreak of the French Revolution in 1789.

During the old regime Jews were permitted to engage only in certain occupations, namely, money lending, horse and cattle trading, selected branches of commerce, peddling, and similar activities. No Jews were admitted into either industry or agriculture. And even in those economic activities which were normally open to them, the Jews had to struggle bitterly in order to maintain their positions. The right, sometimes granted, to engage exclusively in business activities was often an empty one. Most Ashkenazic Jews of Alsace and neighboring provinces enjoyed such a right in localities where almost no business opportunities existed.[1]

Even the economic pursuits of the privileged Sephardim were restricted to the field of commerce. The Jewish leader of Bordeaux, Salomon Lopes Dubec (1743-1837), recorded this fact in his autobiographical notes.[2] The Jews of Saint-

[1] S. Posener, "The Immediate Economic and Social Effects of the Emancipation of the Jews in France," *Jewish Social Studies*, I (1939), 271, 281; Z. Szajkowski, *The Economic Status of the Jews in Alsace, Metz and Lorraine* 1648-1789 (New York, 1954), p. 25.

[2] "On me fit apprendre à lire le français et l'hébreu; à écrire, l'arithmétique et les opérations de changes: c'était alors la seule instruction qu'on donnait aux enfants israélites qui, se trouvant exclus par les lois du royaume de toutes les professions, même des arts et métiers, pour l'exercice desquels il fallait être de la religion catholique, n'étaient uniquement destinés qu'au commerce" (in the General Historical Archives of Israel, Jerusalem).

Esprit-lès-Bayonne introduced the manufacture of chocolate in France, but in the 1760's the Christians tried to take this business away from them.[3] In Bordeaux and Saint-Esprit Jews were prohibited from keeping open shops or selling merchandise at retail. Every year lawsuits were provoked by this prohibition, as in 1631-1632, when Christian merchants and the city council of Bordeaux brought an action against George Roderigues, whose defense was financed by the *nation* of the Marranos of the same city.[4] The first scheduled election to the Chamber of Commerce of Bordeaux, on May 10, 1787, was canceled because a Jew, David Gradis, received one vote.[5]

II

Discussions on Jewish Productivity during the Fight for Emancipation

During the fight for Jewish emancipation its adversaries argued that the Jews were unworthy of French citizenship because they were engaged exclusively in unproductive and dishonest economic pursuits. The champions of Jewish emancipation replied that the many anti-Jewish restrictions of the old regime were responsible for this. The lawyer Pierre-Louis Lacretelle stated even earlier, in 1775, that the Jew, "by force of oppression and contempt, was reduced to seek refuge in fraud and to revenge himself by the practice of usury."[6] Adolphe Thiéry, recipient of a prize awarded

[3] H. Léon, *Histoire des juifs de Bayonne* (Paris, 1893), pp. 69-76.

[4] Archives départmentales de la Gironde. E. Lafité's notarial minutes, 1631, fol. 703, and 1632, fol. 257-58; Léon, *op. cit.*, p. 77. A few rare exceptions were made in later years. Thus, on Oct. 31, 1759, Vidal Lange obtained permission to have a shop for silk and cloth (city archives of Bordeaux, HH16). But in general the prohibition was in force until the outbreak of the Revolution.

[5] Departmental archives of Gironde, C 4258. Much later Rabbi Isaac Lévy stated in a sermon that Jews "were enclosed in the circle of one single occupation," *Le Centenaire* 1792 *au temple israélite de Bordeaux. Discours . . . 22 septembre* 1892 (Bordeaux, 1892), p. 6. See also E. Ducéré's introduction to Léon, *op. cit.*, p. x ("Le Commerce, qui était seul permis aux juifs").

[6] *Oeuvres de P. L. Lacretelle*, I (Paris, 1823), vj.

by the Academy of Metz for his essay on Jews, wrote: "We are the ones who should be accused of the crimes unjustly blamed on Jews . . . we should lay the responsibility on the barbarous conduct of our fathers."[7] Abbé Henri-Baptist Grégoire wrote in his essay, also awarded a prize by the same Academy: "The Jews' offences, their misfortune, accuse our conduct toward them. Nations, lament and confess that this is your work! The Jews presented the results, but you laid down the basis for them: who are the more responsible?"[8] In the course of the discussion on Jews held on December 23, 1789, at the National Assembly, Stanislaus de Clermont-Tonnerre made the following statement: "Men who have only money can be only as good as money is; there lies the evil. If they had land and a fatherland they would not lend money anymore; there is the remedy."[9] During the same discussion Robespierre remarked that the Jews would become honest only when the restrictions imposed on them were abolished.[10] Similar expressions of opinion were made on February 4, 1790, in a resolution of the Saint-Joseph district of Paris in favor of Jewish emancipation[11] and in a report on the same subject submitted by Vion.[12] "Humiliation and slavery extinguished all emulation and skill among the Jews. Slaves in chains lose everything," wrote Abbé A.-

[7] A. Thiéry, *Dissertation sur cette question: Est-il des moyens de rendre les juifs plus heureux et utiles en France?* (Paris, 1788), p. 29.

[8] Henri Grégoire, *Essai sur la régénération . . . des juifs.* (Paris, 1789), pp. 32, 44.

[9] *Opinion de M. le Comte Stanislas de Clermont-Tonnere, député de Paris; le 23 décembre* 1789 (Paris, n.d.), p. 12; Charles du Bus, *Stanislas Clermont-Tonnere . . .* (Paris, 1931), p. 213.

[10] "Après les avoir exclus de tous les honneurs, même des droits à l'estime publique, nous ne leur avons laissé que les objets de spéculation lucrative. . . . Les vices des juifs naissent de l'avilissement dans lequel vous les avez plongés; ils seront bons quand ils pourront trouver quelque avantage à l'être," *Revue des grandes journées parlementaires,* I (1897), 12-13.

[11] "C'est aux Loix en général qu'il faut imputer les vices des hommes beaucoup plus qu'à la Nature qui les destina aux impressions qu'on veut leur donner," *Addresse de l'Assemblée des Répresentants de la Commune de Paris . . .* (Paris, 1790), p. 10.

[12] "Si nous en accuson les juifs, n'oublions pas que les vices et l'ignorance des uns et des autres sont l'ouvrage des Peuples que leur ont donné l'asyle; que l'avilissement de tous est le fruit des institutions qui les ont environnés. . . . Le comble de l'injustice est donc de reprocher aux Juifs le crime que nous les forçons de commetre," *Rapport fait par M. Vion . . .* (Paris, 1790), p. 15.

A. Lamourette, author of a pro-Jewish pamphlet published in 1790. Another pamphleteer, J.-B. Sanchamau, wrote: "We extorted from them all means of subsistence and reproach them for acting towards us cunningly and cleverly." So also wrote the pro-Jewish pamphleteers Valois and Vieillard.[13]

These arguments greatly influenced the struggle for Jewish emancipation. But despite their highly humanitarian character, they show that even the best friends of the Jews did not really know much about Jewish life. Most of them spoke of usury practiced by Jews as a sort of "revenge." Jewish trades were presented not only as unproductive, but also as dishonest, criminal. A Jewish character in a pamphlet on Jewish emigration from Carpentras said that anti-Jewish restrictions killed honesty among the Jews and forced them into criminal pursuits.[14]

Even leaders of the fight against Jewish emancipation recognized the fact that the anti-Jewish restrictions of the old regime had forced the Jews to engage in unproductive trades. Statements to this effect were made on August 5, 1789, by Jean-François Reubell;[15] on December 24, 1789, by C.-V. de Broglie and the Nancy Bishop A.-N.-L. de La Fare.[16] And they were echoed by anti-Jewish pamphleteers.[17]

[13] Abbé L. . . . [A.-A. Lamourette], *Observations sur l'état civil des juifs* . . . (n.p., 1790), pp. 8-9; J.-B. Sanchamau, *L'Ecole des peuples et des rois* . . . (Paris, 1790), p. 82; M. Valois, *Apologie de l'opinion de M. Ranxin* . . . [Nancy, 1790], p. 2; P. Vieillard, *Dissertation sur la demande des juifs de Paris* . . . [Paris, 1791], pp. 5-6.

[14] [Cottier-Julian], *Dialogue* [Carpentras, 1789], p. 9: "le mépris dont on nous accabloit, étouffoit en nous le germe de la vertu . . . on applanissoit la route qui pouvoit nous conduire au crime."

[15] "Lettre du député à l'Assemblée nationale Reubell, à la commission intermédiaire du district de Colmar," *Revue d'Alsace,* XIII (1862), 530-31.

[16] "Il faut convenir que les règlements mêmes en vertu desquels les juifs sont tolérés en Alsace, ne leur présentent d'autre moyen de subsistance, d'autre genre d'industrie que le commerce de l'argent," *Revue des grandes journées parlementaires,* I (1897), 19; "Les juifs établis en France ont, je l'avoue, des griefs légitimes, dont ils peuvent demander, et ont droit d'attendre le redressement. S'il le falloit, j'en ferois moi-même la dénonciation à cette l'assemblée," *Opinion de M. l'Evêque de Nancy* . . . (Paris, 1790), p. 4.

[17] "Je conviendrai que n'ayant eu jusqu'ici d'autre ressource pour vivre que les métiers de fripier, d'usurier, d'espion, &c., il leur étoit difficile d'être rigides observateurs de la probité," De Laissac, Capitaine au Régiment de Limosin, *Lettre a M. le Chapellier, membre de l'Assemblée nationale* [Paris,

The resolution against Jewish emancipation adopted in May, 1790, by the *bureau intermédiaire* of the Colmar district contained a self-incriminating statement on the Christian contribution to the degradation of the Jews.[18] The same feeling of guilt can be found in a draft of a report made by the Jacobins of Colmar.[19]

The Jews, in defending themselves, also made the point that the anti-Jewish restrictions left unproductive activities as their only means of survival. Zalkind Hourwitz, the Polish Jew who fought for emancipation in France, advanced the argument that even the commercial rights of the Jews were of limited value since they were not permitted to keep stores open to the general public.[20] Statements on the responsibility of the regime for the unhealthy occupational status of the Jews were made in 1789 by I. Berr Bing, author of a memorandum on the Jews of Metz, and by the Jews of Lunéville and Sarreguemines;[21] in the Jewish petition addressed on January 28, 1790, to the National Assembly; in a pamphlet by the Jews addressed to the Alsatian people; in a pamphlet addressed by Lion Goudchaux of Nancy to the anti-Jewish leader, Abbé J.-S. Maury; in a pamphlet published by Berr-Isaac Berr of Nancy and in a petition addressed to the National Assembly by the Jews of Upper Rhine.[22] The same argument was used by Jews and Christians in pamphlets of the post-emancipation period.[23]

1790], p. 21. The same idea may be found in a pamphlet issued in Nancy against accepting Jews in the National Guard: "L'existence précaire et équivoque que l'on a bien voulu accorder aux juifs, les a forcés d'adopter pour moeurs & de pratiquer pour commerce, la fraude, l'astuce & l'usure," *Lettre d'un citoyen, aux gardes-citoyens de la ville de Nancy, en réponse à la question: les juifs doivent-ils être admis dans la Milice Nationale?* (n.p., n.d.), p. 4.

[18] "L'avilinement dans lequed nous tenons depuis treize siècles cette nation malheureuse, n'a sans doute pas peu contribué à la dégrader" (Departmental archives of Upper Rhine, C 1602).

[19] Paul Leuilliot, *Les Jacobins de Colmar* . . . (Strasbourg, 1923), pp. 339-40.

[20] Z. Hourwitz, *Apologie* . . . (Paris, 1789), p. 17.

[21] I. Ber-Bing, *Mémoire particulier* . . . (n.p., 1789), p. 3; *Mémoire pour les juifs de Lunéville et de Sarreguemines* (n.p., [1789]), p. 3.

[22] *Petition des juifs* . . . *adressée à l'Assemblée nationale le 28 janvier* 1790 (Paris, 1790), pp. 42-43; *Adresse des juifs alsaciens au peuple d'Alsace* (n.p., 1790), p. 2; *Lettre du Sr. Lion Goudchaux, juif de Nancy, à M. l'abbé Maury* . . . (Nancy, 1790), pp. 5, 11; *Instruction salutaire* . . . *par* . . .

III

Discussion on Usury

Usury became a major subject of discussion in the debate on Jewish emancipation.

On October 3, 1789, the National Assembly legalized loans at interest which, prior to the Revolution, were lawful only in certain parts of the country, although the practice of usury was widespread. In Moselle the legal rate of interest rose from 4 per cent in 1789 to 8 per cent in 1801. Nevertheless, in the mind of the public all Jews were usurers.[24] True, some people did take up the defense of Jews, e.g., Benoît de la Pailhonne, a counter-revolutionary leader of the papal province Comtat Venaissin, who in 1789 denied that Jews were usurers.[25] Also, a revolutionary pamphleteer of 1789 called upon Jews and Christians to combat usury: "As we are all equal . . . equal in possessions, equal in wealth, equal in humanitarian feelings, equal in charity. We are equal, then! No more creditors, no more debtors. . . . The most useful job for Jews and Christians would be to give us a more progressive state of fortune. . . ."[26] In most cases, however, Jews were attacked as usurers, as unable to become a productive element, e.g., in a large number of *cahiers des doléances*;[27] by pamphleteers;[28] in complaints addressed to the Commission of agriculture and trade;[29] and otherwise. In a resolution of June 30, 1794, the Jacobins

Hartwig Wessely, 2e edition (Paris, 1790), pp. 31-33 (published by B. Isaac Berr); *Pétition de messieurs les juifs du Haut-Rhin à l'Assemblée nationale* (Paris, 1792), p. 3.

23 *Société fondée à Metz, pour l'encouragement des arts et métiers parmi les israélites* (Metz, le 15 juin 1829), 3 pp.; *Consistoire israélite. Circonscription de Colmar* [Colmar, 1850], p. 3; *Le Glaneur du Haut-Rhin*, May 28, 1848.

24 R. Parisot, *Histoire de Lorraine*, III (Paris, 1924), 25, 185.

25 H. Chobaut, "Les Juifs d'Avignon et du Comtat et la Révolution française," *REJ.*, CI (1937), 30.

26 *Le Meuilleur des amen à l'usage des juifs et des chrétiens* (n.p., [1789]), 7 pp.

27 Szajkowski, *op. cit.*, pp. 91-94.

28 *Les Juifs d'Alsace doivent-ils être admis au droit de citoyens* (n.p., 1790), p. 133; Johann Stephan Albert, *Fränkischer Republikaner, zu Colmar erwählter Richter . . .* (n.p., n.d.), p. 13.

29 F. Gerbaux et Ch. Schmidt, *Procès-verbaux des comités d'agriculture et de commerce de la constituante*, I (Paris, 1906), 327, 701.

of Colmar expressed their belief that the Talmud authorized the practice of usury by Jews against Christians. Earlier the same opinion was expressed by S. de Clermont-Tonnerre, who was a sincere friend of the Jews.[30]

The Jews replied, not only by recalling the effects of anti-Jewish restrictions, but also by pointing out the number of Christian usurers. The existence of Christian usurers was acknowledged by the anti-Jewish lineup, e.g., in many *cahiers*. On August 4, 1789, Pierre Ochs, representative of Strasbourg in Basel, wrote that Jews speculated in Alsace as intermediaries for creditors of Basel. Documents and pamphlets of the revolutionary period frequently referred to *Judengenossen, unbeschnittenen Juden,* etc., i.e., Christian usurers. "Usurers are to be found not only in synagogues," wrote the anti-Jewish pamphleteer P.-F. de Latour Foissac. Similar statements were made by a pamphleteer of 1790; at the meetings of the Jacobins in Strasbourg on May 3 and 10, 1794; and at a meeting of the Jacobins in Colmar on May 31, 1794.[31]

The discussion on the role of Jews as usurers was somewhat artificial, without any practical understanding of the real evil of usury during the revolutionary period, for which Jews were not at all responsible. Of 1,704 mortgages in the aggregate sum of 7,091,549.00 francs registered in the Strasbourg office of mortgages between November 4, 1798, and April 5, 1799, only 210 in the sum of 215,548.66 francs were held by Jewish mortgagees against Christian mortgagors. Of 741 mortgages in the sum of 1,164,034.06 francs registered in the Saverne office between May 22 and June 14, 1799, only 121 for 89,554.81 francs were in favor of Jews against Christians. Of 787 mortgages of the value of

[30] Leuilliot, *op. cit.*, p. 257; Ch. du Bus, *Stanislas de Clermont-Tonnerre* . . . (Paris, 1931), p. 213.

[31] [Jacques Godard], *Pétition des juifs . . . le 28 janvier* 1790 . . . (Paris, 1790), p. 39; Szajkowski, *op. cit.*, p. 83; R. Reuss, "L'Alsace pendant la Révolution française," *Revue d'Alsace,* LXX (1923), III, 302; *Die Judenverfolgungen* (Strassburg, 1790), p. 16; Maria Salomea Schottin, *Ueber die Juden und Judengenosse* (Strassburg, an XI), p. 7; P. F. Latour-Foissac, *Plaidoyer contre l'usure des juifs* . . . (n.p., [1790]), p. 75; *Ueber die Vertreibung der Juden* (n.p., 1790), p. 8; F. Ch. Heitz, *Les Sociétés politiques de Strasbourg* . . . (Strasbourg, 1863), pp. 347-49; Leuilliot, *op. cit.*, p. 257.

2,244,126.46 francs registered in the Metz office between June 3 and June 18, 1799, only 46 of the value of 87,838 francs were held by Jews against Christians. Of 312 mortgages of the value of 890,431.09 francs registered in the Nancy office between March 13 and March 27, 1799, only 7 of the value of 24,442.20 francs were in favor of Jews against Christians.[32]

Even the anti-Jewish minded Alsatian historian Fernand L'Huillier wrote that until the year X for the Lower Rhine and the year XI for the Upper Rhine Jews were not particularly incriminated in public discussions on usury. According to him, the introduction of an anti-Jewish trend was the result and expression of general discontent.[33]

However, the evil was done, and the injection of the question of usury into the discussion on Jewish emancipation prolonged the fight.

It should be noted that even among serious chroniclers and historians very few understood this problem. Thus, A.-T. Desquiron, who attacked Napoleon I's anti-Jewish decrees of 1806 and 1808, wrote in 1808 that while France was being torn apart by struggles, the Jewish nation practiced usury. Felix Ponteil wrote in a similar vein in 1927, as did a large number of other modern historians. According to Jacques Godechot the Jews of Nancy started to practice usury after 1795.[34]

IV

The Attitude of the Government and of Local Authorities

There were some attempts to make Jews "productive" by force. The district of Strasbourg ordered the requisition

[32] Z. Szajkowski, *Agricultural Credit and Napoleon's Anti-Jewish Decrees* (New York, 1953), Table I.

[33] F. L'Huillier, *Recherches sur l'Alsace napoléonienne* (Strasbourg, 1947), p. 520.

[34] A.-T. Desquiron, *Considérations sur l'existence civile et politique des israëlites* (Mayence, 1808), p. 46; Félix Ponteil, *La Situation économique du Bas-Rhin au lendemain de la Révolution française* (Strasbourg, 1927), pp. 93, 140; Jacques Godechot, "Les Juifs de Nancy de 1789 à 1795," *REJ.*, LXXXVII (1929), 35.

of all citizens, "especially those of Moses' faith, who live in idleness," to help the peasants in the fields. The peasants, however, demanded help from the National Guard instead of the Jews, who were not familiar with this kind of work.[35] On September 4, 1790, the city council of Strasbourg restricted the activities of Jewish peddlers.[36] On December 10, 1790, two Jewish peddlers, Marix Wolf and Mathias Caen, complained in a petition addressed to the Committee of agriculture and commerce that they were forbidden to trade in Besançon where Christian merchants were afraid of honest competition by Jewish peddlers. On November 21, 1790, a former royal adviser of Lunéville named Rosman proposed to this committee that 800,000 acres be set aside in order to form an agricultural colony of Jews. Thus, he wrote, the Jews would become peasants and the French nation would be freed from usury.[37]

Some references by local administrators to the occupational status of the Jews were mixed with strongly worded anti-Jewish sentiments. Thus, the proclamation against speculation, published on September 9, 1793, by the departmental administration of Vaucluse, singled out the Jews. They were called on to show proof of being worthy of the emancipation granted them by the new regime and to give up usury. If they wanted wealth, they could gain it by honest means, such as buying national property.[38]

Unofficial anti-Jewish acts also hampered Jewish economic activities. The Jews of Carpentras were afraid to engage in new occupations.[39] In Alsace and neighboring departments there were protests against allotting communal properties (*biens communaux*) to the Jews, who thereupon

[35] Henry Brunschwig, *Les Subsistances à Strasbourg pendant les premières années de la Révolution française* (Strasbourg, 1932), pp. 90-91; R. Werner, *L'Approvisionnement en pain de la population du Bas-Rhin . . . 1789-1797* (Strasbourg, 1951), pp. 223, 379.

[36] *Proclamation de par les maire et officiers municipaux* (Strasbourg, 25 septembre 1790), broadside.

[37] Gerbaux et Schmidt, *op. cit.*, I, 702-03.

[38] *Proclamation de l'administration du département de Vaucluse relative à l'agiotage* (Avignon, 1793), 3 pp.; J. F. André, *Histoire de la Révolution avignoise*, I (Paris, 1844), 116-18.

[39] Chobaut, *REJ.*, CI (1937), 36-37.

complained that they were not given the opportunity to share in the parceling out of such property.[40]

However, these were expressions of local anti-Jewish feelings, which were not taken too seriously by the central authorities. The liberal attitude of national and even of some local leaders of the new regime toward the occupational status of the Jew can best be illustrated by their treatment of Jewish emigrés, who left France in the wave of largely anti-revolutionary emigration. The law of January 11, 1795, permitted the return of those emigrés who, at the time of their departure from France, had manual occupations: peasants, workers, artisans, etc. But since agriculture and all other productive pursuits were closed to Jews during the old regime, how could a Jewish emigré prove that he made a living by working with his hands? In many cases the authorities decided that Jewish emigrés who were peddlers, merchants, and the like should benefit from the law because during the old regime they were forced to make a living at dishonest occupations. In other cases the authorities declared that Jewish peddlers and traders in second-hand goods, horses and cattle were useful to the local population. Some Jewish emigrés stated that they were so poor that they could rightly be called hard-working people.[41]

The effect on Jewish productivity of the observance of the Sabbath and other Jewish holidays was another argument advanced against granting Jewish emancipation. The statement of a pamphleteer, made in 1790, that because of their religion Jews would be able to work only six months a year, was repeated in the National Assembly by A.-N.-L. de La Fare, bishop of Nancy.[42]

40 Z. Szajkowski, "Jewish Participation in the Sale of National Property during the French Revolution," *Jewish Social Studies,* XIV (1952), 311-12.

41 Z. Szajkowski, "Jewish Emigrés during the French Revolution," *Jewish Social Studies,* XVI (1954), 319-34.

42 *Les Juifs d'Alsace . . .* , p. 118; the argument was again repeated in 1801: J. L. F[esquet], du Gard, *Voyage de Paris à Strasbourg . . .* (n.p., 1801), p. 77. See also Z. Szajkowski, "French Jews in the Armed Forces during the Revolution of 1789," *Proceedings of the American Academy for Jewish Research,* XXVI (1957), 142-43; Z. Szajkowski, "Jewish Religious Observance during the French Revolution of 1789," *Yivo Bleter,* XLI (1957-58), 193-94 (in Yiddish).

V

AGRICULTURE

In their fight for emancipation the Jews contended that by granting them citizenship France would attract Jews from abroad, who would enrich the nation's economy. The same argument was made by the Deputy Charles-François Bouche; by an English woman, author of a pro-Jewish pamphlet; by Abbé A.-R.-C. Bertolio at a meeting of the Paris council on January 30, 1790; and in a resolution adopted by the same council on February 24, 1790.[43] All these referred to Jewish capital and skill in trade, not limiting the role of Jews solely to manual labor.

It is true that, upon the abolition of the old regime, many Jews failed to seize the opportunity to escape out of their old occupations. This slow Jewish response to the possibility of shifting to productive activities can best be seen in the limited Jewish acquisition of national property (*biens nationaux*), such as church and other properties confiscated and sold by the revolutionary government. It stands to reason that Jews should have been active purchasers of national property, as this was their first legal opportunity to own land and houses outside the former ghettos. However, unlike the Protestants, who became large landowners, the number of Jews who bought national property was very small and they purchased it primarily for resale. Needless to say, there were many reasons for the Jews' reaction. The Catholic Church spread the word that the Jews would desecrate former churches. Many Jewish creditors were often afraid to ask for payment from the nationalized properties of emigrés of debts owed to them. At the same time it should be remembered that the purchase of national property was viewed as an act of revolutionary patriotism. With

[43] *Pétition des juifs . . . le 28 janvier* 1790 (Paris, 1790), pp. 23, 28-30; Ch. F. Bouche, *De la restitution du Comté Venaissin . . .* (Paris, 1789), p. 38; La Baronne de Vasse, Angloise, *Mémoire . . .* (Paris, 1790), pp. 2-3, 7; *Recueil de pièces relatives à l'admission des juifs à l'état civil* (Paris, 1790), p. 25; *Adresse de l'Assemblée des représentants de la Commune de Paris, sur l'admission des juifs à l'état-civil . . .* (Paris, 1790), p. 11.

few exceptions the Jews distrusted this aspect of the Revolution's economic policies. They could not quickly comprehend the significance of the changes in their economic potential made possible by the Revolution. Thus, they lost a unique opportunity to change to agricultural occupations.[44]

Indirectly, Jewish creditors and Jews who bought national property for resale made it possible for many peasants to realize their dreams of becoming owners of their own land. In 1792 a counter-revolutionary pamphleteer complained against Jews and Christians who divided and sold land in small parcels.[45] But this Jewish participation in the process of cutting up large pieces of land remained in the sphere of commerce and not of so-called "productive" activities.

Everyone advised the Jews to take up agriculture. This was the subject of one of the very few contemporary lithographs on Jews.[46] Sébastien Bottin, a Jacobin, economist and secretary general of the Lower Rhine department, wrote in 1798 that only when the Jews took up agriculture, "the most noble art," would they become "entirely citizens." During the revolutionary period Jewish landowners were exceptional. One of them, Hirtzelboch of Diegolsheim, was much praised by Bottin.[47]

[44] Szajkowski, *Jewish Social Studies*, XIV (1952), 291-312.

[45] *Ibid.*, pp. 312-16; Szajkowski, *The Economic Status . . .* , pp. 54-57; Szajkowski, *Agricultural Credit . . .* , pp. 60-63; *Je vous dirai vos vérités!* (n.p., 1792), p. 19.

It is worth while to note that in 1777 the Alsatian Jewish leader Cerfberr of Médelsheim wanted to convert 3,000 acres of the *Forêt Sainte* to arable land. He offered to pay 400,000 livres plus 8 livres annually per acre. G. Huffel, *La Forêt Sainte de Haguenau en Alsace* (Nancy-Paris-Strasbourg, 1920), pp. 85-86.

[46] In *Les Juifs d'Alsace. . . .*

[47] S. Botin, *Annuaire politique et économique du département du Bas-Rhin* (Strasbourg, an VIII), p. 74; A. Benoit, "Les Israélites en Alsace sous le Directoire et sous le Consulat," *La Revue nouvelle d'Alsace-Lorraine et du Rhin*, VIII, No. 11 (1889), 401-03.

VI

Poverty and Lack of Time, Two Reasons for the Slow Process of Occupational Shifting

It was impossible, even by the revolutionary standards of 1789, to change overnight the occupational status of a minority long kept down by economic restrictions. This was recognized even on the eve of the Revolution: in a report of August 25, 1788, by the Metz Academy of Science; by Abbé La Louze, who sent to the Academy an essay on the Jews; in Abbé Grégoire's essay presented to the same Academy, and in his later *Motion* at the National Assembly in favor of Jews; by the Jews themselves;[48] and even by the author of a widely disseminated book against Jewish emancipation.[49]

In 1818 the Central Jewish Consistory, in a petition against the renewal of Napoleon I's anti-Jewish decree of March 17, 1808, stated: "The government of 1806, unaccustomed to awaiting developments, but acknowledging force alone, was indignant that fourteen years of living through the storm of the Revolution were not sufficient to eradicate completely from a large portion of the population the traces of centuries-long humiliation and enslavement." In 1829 the founders of the Metz Society to stimulate vocational training among Jewish youth stated: "It is not in the nature of things that mores established over centuries can be uprooted within just a few years." The same view was expressed by the nineteenth century Alsatian *maskil,* Gerson Lévy.[50]

[48] *Prix proposés, en* 1788, *par la Société Royale des Sciences et des Arts de Metz pour le concours de* 1789 *et* 1790 [Metz, 1788], p. 3; *Affiches des Evêchés et Lorraine,* No. 35, 1788; Ab. Cahen, "L'Emancipation des juifs devant la Société Royale des Sciences et des Arts de Metz et M. Roederer," *REJ.*, I (1880), 103; City Library of Metz, manuscript 1350, fol. 684 b; Grégoire, *Essai . . .*, p. 189; Grégoire, *Motion en faveur des juifs . . .* (Paris, 1790), p. 30; *Adresse des juifs alsaciens au peuple d'Alsace* (n.p., 1790), pp. 4-5; Berr-Isaac Ber, *Lettre à M. Grégoire . . .* (Paris, 1806), pp. 15-16.

[49] *Les Juifs d'Alsace . . .*, p. 43.

[50] *Requête adressée au roi par le Consistoire Central des Israélites, contre la prorogation du décret du* 17 *mars* 1808 . . . (Paris, 1818), p. 4; *Société fondée à Metz, pour l'encouragement des arts et métiers parmi les israélites*

A sympathetic position was taken by the historian P. Sagnac, who maintained that the Jews tried to rediscover and restore their noble professional traditions. However, some historians, in commenting on the occupational status of the Jews during the revolutionary period, were more severe in their judgments than the revolutionary politicians and pamphleteers. Typical of this group was the historian Rodolphe Reuss, who, while in general very favorably disposed towards Jews, stated that in respect of their choice of occupations, only a small number of them justified the good will of the legislature. Most Jews were unable to take up useful professions, although this was not their fault. Consequently, they flocked into the field of speculation.[51]

Although emancipation widened the range of economic pursuits open to Jews, this great benefit was in part offset by unfavorable developments affecting economic activities in general. Most Jews continued to live in misery.[52] In spite of the much publicized role of Jewish merchants, there were almost no Jews among the big financiers of the revolutionary period.[53] The Revolution did not enrich the Jews.[54] On the contrary, Jews as well as Frenchmen were often ruined by the economic policies of the Revolution. For in-

(Metz, 15 juin 1829), 3 pp.; Gerson Lévy, *Du paupérisme chez les juifs . . .* (Paris, 1854), pp. 45-46: "Nous concevons cependant qu'ils ne devaient pas passer brusquement aux extrêmes; qu'on ne pouvait leur dire: fermez aujourd'hui vos boutiques, renoncez au colportage et au brocantage, et venez demain labourer la plaine avec nous. Le bienfait des droits civiles est tombé sur les juifs comme une bombe; rien n'était disposé pour les préparer à ce grand acte d'émancipation; ils savaient bien répondre à l'appel de la loi, verser leur sang dans les champs de bataille, mais sans organisation dans l'intérieur de leur communion, sans autorité religieuse, sans écoles, sans aucune institution à la hauteur des circonstances, ils ne pouvaient devenir tout d'un coup des hommes nouveaux, renoncer spontanément à leurs habitudes, à leurs moeurs, à leur caractère, fruits de l'ancienne oppression." See also I. Bédarride, *Les Juifs en France, en Italie et en Espagne* (Paris, 1859), pp. 399-400.

[51] Ph. Sagnac, *Les Juifs et Napoléon* 1806-1808 (Paris, 1902), p. 4; Rod. Reuss, "Quelques documents nouveaux sur l'antisémitisme dans le Bas-Rhin de 1794 à 1799," *REJ.*, LIX (1910), 250.

[52] Posener, *Jewish Social Studies*, I (1939), 304-07.

[53] Jean Bouchary, *Les manieurs d'argent à Paris à la fin du XVIIIe siècle*, I (Paris, 1939), 7; also Jean Bouchary, *Les Compagnies financières à Paris à la fin du XVIIIe siècle* (Paris, 1940-41), 2 vols.

[54] Paul Bettelin, *Le Général Marc-François Jérôme Baron Woiff* (n.p., [1941]), p. 9: "la Révolution ne les enrichit pas."

stance, during the Terror the widow of Moïze Mendes asked for a reduction in her taxes because her husband had been ruined by the law of maximum.[55] It is incorrect, however, to assume that the period of the Terror exclusively led to the economic downfall of wealthy people. David Crémieux of Nîmes, father of the nineteenth century Jewish leader Adolphe Crémieux and a supporter of the new regime, was imprisoned at the beginning of the Thermidorian reaction. When released from prison he found his business had been ruined and went into bankruptcy.[56]

Some Jewish emigrés, who were peddlers and wanted to benefit from the amnesty in favor of productive emigrés, stated—as has already been noted—that although they were peddlers, they were very poor and could hardly make a living, so that they could be called hard working people.[57] In his memoirs Gabriel Schrameck, who was born in Isenheim (Upper Rhine), in 1795 told of the miseries of a poor Alsatian Jewish family. His father and older brother were peddlers, who came home only for the Sabbath; his two sisters were servants. At the age of nine he was a peddler himself, and at eleven employed other children. He was considered a "rich" man at eighteen because he owned merchandise of the value of 400 francs. His career was late in starting because his father was ashamed to take him on his peddling trips, so poorly clothed was the child. However, in his memoirs Schrameck refers to his "work," "working," "workers" (*Arbeit, arbeiten, Arbeiter*), and not to peddlers and peddling. He had to find a way to get clothing and food, and peddling was not an unproductive or disreputable occupation to him. The Alsatian author of a pamphlet on Jews published in 1790 related that most Jews possessed only between 80 and 200 livres each.[58]

Even poverty served as an argument against Jewish emancipation. Another Alsatian pamphleteer wrote in

55 City archives of Bordeaux, G 6, No. 89.

56 S. Posener, *Adolphe Crémieux,* I (Paris, 1933), 5-6.

57 Szajkowski, *Jewish Social Studies,* XVI (1954), 332.

58 *Erlebnisse von Gabriel Schrameck . . .* (Barr, 1907), pp. 5-15; *Ueber die Vertreibung der Juden* (n.p., 1790), pp. 6-7.

1790 that, since half of the Alsatian Jews were paupers, citizenship would be useless and even disastrous to them, unless the French nation, in the name of justice and humanity, helped them improve their economic condition.[59]

VII

Some Facts on Shifting Occupations

Emancipation led some Jews to become active in industrial enterprises, quickening a development that had been restricted earlier but had not been unknown. Before the Revolution David Silveyra, agent of the Sephardim in Paris, was a builder of bridges.[60] In 1787 Lipmann and Théodore Cerfberr of Nancy operated a cloth factory in Pont-Saint-Vincent, where between thirty and forty children were employed. At the beginning of the Revolution they were operating another factory in Tomblaine.[61] Berr-Isaac Berr of Nancy owned a tobacco factory.[62] Shortly before 1800 a Jew named Worms and a Christian named Thomas jointly began to import coal from the Saar to the Moselle region, which they transported by barges over the Moselle river instead of by the more expensive overland routes. This was a great pioneering contribution to the industrialization of the entire region.[63] In 1794 Samuel Ah was engaged in the manufacture of oil in Haguenau.[64] At the beginning of the Revolution Hayemson Créhange opened a cloth factory in Sedan.[65] In Strasbourg Cerf Lanzenberg manufactured

[59] *Observations sur la possibilité et l'utilité de l'admission des juifs . . .* (Strasbourg, février, 1790), p. 11.

[60] Archives départementales, Landes, BB 31 and C 112-114; *Project du sieur Silveyra . . .* (n.p., n.d.), 12 pp.; L. Kahn, *Les Juifs de Paris pendant la Révolution* (Paris, 1899), pp. 133-34.

[61] P. Boyé, *La Lorraine industrielle sous le règne nominal de Stanislas* (Nancy, 1900), p. 60; Jacques Godechet, "Les Juifs de Nancy de 1789 à 1795," *REJ.*, LXXXVI (1928), 4.

[62] Departmental archives of Meurthe-et-Moselle, L 104, pp. 103, 106 (Berr's petition of Dec. 21, 1791, on taxes).

[63] Albert Eiselé, *Le Charbon mosellan, ètude historique & économique* (Paris, 1936), pp. 73-74.

[64] Elie Sched, "Histoire des juifs de Haguenau," REJ., X (1885), 230.

[65] *Archives israélites*, V (1844), 754.

leather; Hauch Oppenheim had a shirt factory run with advanced techniques; the city was also known for the soap factory of a Jew named Weill and his partners.[66] The Sephardic Jews of the revolutionary period included not only well-to-do merchants and poor peddlers, but also industrial workers.[67]

While the main focus of this essay is on the revolutionary period of 1789-1800—the occupational distribution in later periods was different—it is helpful in judging the situation in the earlier period to compare it with the classification of occupations of Jews during the first Empire. There is no doubt that a change occurred, and it was most probably the result of a trend that started during the revolutionary period.

"At last the French Jews are men, several of them are already useful citizens," Michel Berr wrote in 1801. Five years later his father, the Jewish leader of Lorraine, Berr-Isaac Berr, stated: "We already have among us tailors, joiners, tinsmiths, and other workers and artisans."[68] This was no exaggeration. According to the census of 1784 there were then in Alsace 19,707 Jews, of whom 942 were servants and 1,286 officially recognized paupers. According to a report made to Napoleon I by the Minister of Interior on December 21, 1808, Alsatian Jews employed Christian workers in their cloth factories. In 1809, twenty-eight Jews worked in the munitions factory in Mutzig. Thirty-one Jewish family-heads were classified as manufacturers, thirty-seven as tailors, thirty-six as shoemakers, and fifty-nine were peasants.[69] In 1808 seventy-five Jews were classi-

[66] *Ibid.*, XVI (1855), 506-07.

[67] On a Bordeaux list dated Dec. 4, 1792, are noted the knitter Rachel Machade, the tobacco worker Samuel Coitiguo, etc. City archives of Bordeaux, G 9.

[68] Michel Berr, *Appel à la justice des nations* . . . (Strasbourg, 1861), p. 15.

[69] G. Hemerdinger, "Le Dénombrement des israélites en Alsace," *REJ.*, XLII (1901), 264; Paul Fauchille, *La Question juive en France sous le Premier Empire* (Paris, 1884), p. 73; "Etat nominatif des israélites, qui ont établi, et qui exploitent des manufactures . . . Département du Bas-Rhin, 1809" (a document in the author's possession).

fied as workers employed by manufacturers.[70] In Nancy there were two Jewish manufacturers in 1793 and ten in 1808, fifteen day laborers in 1793 and forty-seven in 1808, one artisan in 1793 and nine in 1808.[71] In 1809, 47.9 per cent of the 2,908 Jews in Paris were small merchants or peddlers and 26.8 per cent were artisans.[72] Abraham Gabay, a Sephardic Jew of Paris, had a factory in which he employed two hundred workers.[73] In 1808 there were nineteen Jewish peasants in the department of Bouches-du-Rhône.[74] According to a report of June 23, 1810, France had 250 Jewish manufacturers, and 2,360 Jews were in schools or were employed in "useful professions."[75]

These first steps toward a shift in occupations took place in spite of many difficulties. Even in the post-emancipation period Jews were often prevented from engaging in certain occupations. To cite just a few cases: In 1806, according to Berr-Isaac Berr, Jewish children were refused employment in factories. In 1825 the Alsatian Jew Prosper Wittersheim made the same statement and added that peasants terrorized Jews who wanted to take up agriculture. As late as 1853 the vocational school of Toulon requested certificates of baptism from its pupils.[76] In 1806 the Catholic Church authorities tried to prevent the brothers Lippmann of Nancy from buying the crystal factory of Baccarat

[70] Archives nationales (Paris), F 19-11009.

[71] Posener, *Jewish Social Studies,* I (1939), 299.

[72] L. Kahn, *Les Professions manuelles et les institutions de patronage* (Paris, 1885), pp. 65-67.

[73] According to the inscription on the monument on his grave at the cemetery Père Lachaise in Paris: "Ici repose / le corps de Abraham Gabay / décéde le 16 aoust 1812[?] à l'âge de 45 / en son domicile propriétaire / d'une manufacture des bazins / Il emporte avec lui les regrets / de son épouse et de ses amis / et de plus de 200 ouvriers / et ouvrières / qui ont suivi le convoi / et [qui ont] versés des larmes / [sur sa] châse."

[74] Departmental archives of Bouches-du-Rhône, 112 VI.

[75] A.-E. Halphen, *Receuil des lois . . . concernant les israélites . . .* (Paris, 1851), pp. 307-328; Posener, *Jewish Social Studies,* I (1939), 271-326.

[76] Berr-Isaac Berr, *Lettre . . . à M. Grégoire* (Nancy, 1806), p. 15; Prosper Wittersheim, *Mémoire sur les moyens de hater la régénération des israélites de l'Alsace* (Metz, 1825), p. 11; *Ville de Toulon. Académie départementale du Var. Ecole professionelle de Toulon* (n.p., 15 décembre 1853), 4 pp.; I. Uhry, *Recueil des lois . . . concernant les israélites depuis* 1850 (Bordeaux, 1878), p. 10.

(Meuse), although but for the Lippmanns' purchase the factory would have closed and the local population would have starved or had to emigrate. Sephardic Jews of Saint-Esprit-lès-Bayonne were afraid to trade in Bayonne, where Jews officially were not permitted to reside prior to 1789 and were unwelcome even much later.[77]

VIII

Occupational Diversification

Already during the old regime Jewish leaders tried to counter accusations of Jewish unproductivity by giving vocational training to the youth among the poor. But then, the vocational education of poor children was an old tradition in the Jewish communities. In 1770 and 1771 the Jewish community of Cavaillon (in the Papal province of Avignon and Comtat Venaissin) signed a contract with a Christian seamstress to teach her trade during a period of thirty-four months to the children Regine de Bedarrides and Esther de Lunel, nine and ten years old, respectively, on condition that they would not be forced to work on the Sabbath.[78] On the eve of the Revolution, however, and especially after emancipation, vocational training became a subject of public debate. During the old regime it was useless to give Jewish children vocational training in occupations that were closed to Jews, but on June 7, 1806, the Philanthropic Society of the Bordeaux Jews maintained that poor Jewish children could at least be taught arts and manual trades, for Jews were no longer excluded from these economic opportunities.[79] On December 4, 1830, the Alsatian Deputy Pierre André stated that before the Revolu-

[77] S. Posener, "Lippmann Lippmann de Baccarat. Fragment de l'histoire économique des juifs de France," *Festschrift zu Simon Dubnows siebzigstem Geburtstag* (Berlin, 1930), pp. 207-14; Léon (*supra*, n. 3), p. 394.

[78] Departmental archives of Vaucluses, Guis' notarial minutes, No. 300, fol. 244 (Apr. 26, 1770), and 661 (June 18, 1771).

[79] Minutes of the Society, in the Archives of the General Historical Archives, Jerusalem.

tion Jews had not been allowed to open vocational schools.[80] At the same time, however, some sources have it that before the Revolution the Alsatian Jewish leader Cerfberr of Médelsheim and Berr-Isaac Berr of Nancy founded agricultural colonies in order to mitigate the charge that Jews were not productive. Very little is known about these two projects; according to an anti-Jewish pamphleteer in 1790, Berr wanted only to exploit "his Jewish slaves or workers."[81] In 1789 the Jews of Metz promised to establish vocational schools for "poor children." After the Ashkenazic Jews were granted full citizenship, Berr-Isaac Berr called upon them to open *ateliers de charité*, where poor children and "all those who were not destined for higher purposes" would be taught useful crafts.[82] This plan no doubt reflected the belief that physical labor was the lot of the children of the poor. It is apparent that the first organized attempts to achieve mass improvement in the nature of Jewish occupations were concentrated on the children of needy Jews and thus had a philanthropic aspect. The same development may be observed in the nineteenth century.[83]

The diversification of Jewish occupations—not only those of Jewish children, but of adults as well—was often influenced by anti-Jewish restrictions, e.g., the fight against Jewish peddlers in Bordeaux. There the Christian merchants complained of the competition by Jewish peddlers, and in 1738 the Parliament of Bordeaux ordered the confiscation of merchandise in the possession of these *petits marchands juifs*.[84] The *nation* of the Sephardic Jews, fearful of the "bad name" brought upon Jews by peddlers, in 1744 contrived the expulsion of foreign Jews and ordered Sephardic Jewish merchants dealing in second-hand clothing to give

80 *Moniteur*, Dec. 6, 1830; Halphen, *op. cit.*, pp. 406-07.

81 M. Ginsburger, *Cerf Berr et son temps* (Strasbourg, 1936), p. 7; Chr. Pfister, *Histoire de Nancy*, III (Paris-Nancy, 1908), 327; *Antwort über eine Schrift betitelt: Können die Juden im Elsass des Bürgerrechtes theilhaftig werden?* (n.p., 1790), p. 10: "Seine jüdischen Knechte oder Arbeiter."

82 Ber-Bing, *Mémoire particulier . . .*, p. 23; D. Tama, *Organisation civile et religieuse des israélites . . .* (Paris, 1808), p. 34.

83 This will be the subject of a separate study.

84 *Inventaire sommaire des Archives Hospitalières à* 1790, II (Bordeaux-Paris, 1885), II, B 5.

up their trade on pain of being forced to do so by the authorities.[85] The opposition of the Sephardim to "foreign" Jews was also motivated largely by fear of competition. Thus, on August 3, 1787, Abraham Furtado wrote to David Gradis that the fight against the Avignonese Jews who had settled in Bordeaux was important for the house of Gradis.[86] The wealthy leaders of the Sephardic *nation* of Bordeaux were afraid of the "evil" that had manifested itself among their poor and sought to prevent the "infection,"[87] by religious education during the old regime and also by vocational training after the emancipation. The above noted statement on vocational education for children made on June 7, 1806, by the Jews of Bordeaux referred to "poor children" exclusively.[88]

IX

Conclusions

After 1791, according to the Alsatian economist Henry Laufenburger, the Jews had their "economic revenge" (*revanche économique*): they survived the revolutionary storm and with their *internationalisme économique* adapted themselves to the new regime, surpassing the Christians in trade. Christian energies were spread over many industries, while Jewish energies were concentrated in trade. This was Werner

85 ". . . et, quand aux portugais quy sont dans l'usage de vendre ou acheter des vieux [h]abits, il leura sera defendeu [défendu] de continuer ce commerce et, s'ils veulent y presister [persister], on demandera eg[a]lement la protection de Monseigneur l'Intendant pour les y forcer" (Minutes of the *nation*, in the Departmental archives of Gironde, I, fol. 110, No. 110, Sept. 20, 1744).

86 Archives of the Gradis family in Bordeaux, vol. 10, No. 118 bis: "Les intérêts de la nation qui sont également ceux de cette maison."

87 "Car, Messieurs, nous ne devons point nous dissimuler que . . . c'est dans le bas étage de la Nation que le mal s'est le plus manifesté de nos jours; mais c'est avec une telle force, & ses progrès en sont si rapides, qu'ils ne laissent envisager pour nous l'avenir que desastre & qu infamie. C'est alors que nous voudrions arrêter la contagion, & qu'il n'en sera plus. C'est alors que notre autorité & nos représentation seront meprisées, & que là ou nous aurions besoin des remèdes les plus violents, nous n'aurons que de vains paliatifs à employer" (an undated document written by Gradis before 1789, *ibid.*, vol. 10, No. 117).

88 See *supra*, n.79.

Sombart's view, which Laufenburger repeated without supporting factual data drawn from the lives of the Alsatian Jews.[89] If one can speak of a specific economic character of the Jewish population in Alsace at that period, one can do so only in a negative sense, for as a minority the Jews continued to suffer from the restrictions imposed on them by the old regime. During the Revolution the Jews of Alsace and the neighboring departments continued to engage in occupations that cannot be rated as economically valuable or indispensable. Even in the world of commerce they continued to be mostly go-betweens, peddlers, etc.[90]

Of course, statements about "productive" or "unproductive" occupations are provocative. Was the merchant Raphaël Lopes, who in 1817 saved the city of Bordeaux from famine[91]—as did many other Jews in many places before him—an "unproductive" element? Also, Jews who had no choice but to engage in peddling were not alone in this "unproductive" field of activity. In Metz Jews were not even mentioned in connection with the opposition to peddlers during the eighteenth century.[92] In many places peddlers were the only merchants. According to a list of the year VII there were seventeen licensed merchants in the district of Hirsingue. All of them were peddlers, and sixteen of them were Jews.[93] Because the Jewish peddlers helped to democratize local commerce and to introduce free competition, they were disliked and persecuted by Christian merchants.[94] Even among the "unproductive" peddlers, Jews formed the more "productive" element. Thus, of the 124 places allotted in August, 1800, at the market of Metz

89 Henry Laufenburger, *Cours d'économie Alsacienne. I. Les Bases matérielles, morales et juridiques* (Paris, 1930), pp. 111-14, 215.

90 Anché Neher, *"La Bourgeoisie alsacienne. Etudes d'histoire sociale* (Strasbourg-Paris, 1954), pp. 435-36.

91 A. Detcheverry, *Histoire des israélites de Bordeaux* (Bordeaux, 1850), p. 103. For similar cases see Szajkowski, *The Economic Status . . .* , p. 50.

92 *Arrêt du Parlement en faveur du corps des marchands de Metz, contre les colporteurs de balles. 26 février* 1738 (Metz, 1740); *Consultation pour les syndics . . . des marchands . . . contre Antoine Tissot et George Guérin, colporteurs sans domicile . . .* (Metz, 1781). See also *Dialogue concernant le colportage . . .* (Metz, 1783), pp. 8-40.

93 Departmental archives of Upper Rhine, L 101.

94 Szajkowski, *The Economic Status . . .* , pp. 62-63.

twenty-three were operated by twelve Jews. But they did not operate any of the twenty-one cabarets and similar places in the market.[95]

In the course of the debate on emancipation the Jews had to listen to the views of the physiocrats among the Christians and the *maskilim* among the Jews on the "productivity" or "unproductivity" of certain occupations. They could not have imagined the change of opinion that was to come almost 150 years later. For the period when Jews were legally able to change their occupations judgment cannot be rendered on the basis of a census of Jewish workers, employers, or merchants, i.e., on the percentage of Jews who were proletarian. Such judgment would ask of Jews more than of others. At the time when Jews were permitted to enter "productive" occupations, many of them were too old to give up money lending, peddling, horse trading, etc., to which they had previously been restricted. In the country at large widespread industrialization had not yet begun. Productivity was no longer conceived as inherent only in the status of a worker. The trend away from the life of a poor agrarian laborer in favor of ownership of a piece of land, away from the village and to the city, toward entering into business for oneself, away from the life of a poor worker in favor of ownership of a small factory, or a store, had already started.[96]

Most Jews happened to live in centers that were slow in becoming industrialized. Metz was still known for its famous army center, and industry in Moselle did not start until seventy years later. Strasbourg was more a trade than an industrial center. This applies to Alsace in general, with the exception of Mulhouse and a few smaller places,[97] mostly where Protestants pioneered in local industries. In Nancy the number of Jewish manufacturers rose from two in 1793 to ten in 1808, the number of artisans from one to nine, of

[95] City archives of Metz, F 4.

[96] Z. Szajkowski, *Poverty and Social Welfare among French Jews* 1800-1880 (New York, 1954), pp. 73-74.

[97] H. Contamine, *Metz et la Moselle de* 1814 *à* 1870, II (Nancy, 1932), 34-36; Brunschwig, *Les Subsistances à Strasbourg . . .* , p. 7.

workers from fifteen to forty-seven, of teachers from four to eleven. However, the number of peddlers also rose rapidly: from seven in 1793 to twenty-three in 1808, and the number of *rentiers, i.e.*, men of independent means, from seven to twenty-five. But Nancy was not a center to spur occupational shifts; on the eve of the Revolution of 1848, seven thousand men, half of the economically active population, were engaged in the liberal professions.[98] The Sephardic Jews of Saint-Esprit-lès-Bayonne continued to engage in commerce. But the entire department of Landes was without any industry.[99]

This article is a response by a student of the French Revolution to a statement made by the Marxist Jewish historian Dr. Raphael Mahler, that the French Revolution did absolutely nothing to industrialize the Jews or to make them take up agriculture so that they might achieve economic equality with the rest of the population.[100] He did not elaborate how this could have been done. Did he expect the Revolution of 1789 to force a change in the occupational status of the Jews, such as occurred during the Russian Revolution of 1917? Love of manual work during the Revolution of 1789 was not based on such methods. In fact, Mahler's statement shows only that he tried to apply a twentieth-century yardstick to eighteenth-century events. The French Revolution was liberal in its attitude toward the occupational status of the Jews, and once they were emancipated, it was up to them to maintain or change their occupational status. Additional opportunities were given to them, such as the right to buy national property, of which they did not avail themselves. Surely any force applied in this case by the revolutionary regime would have been rightly denounced as an exceptional policy directed exclusively against the Jews.

[98] Posener, *Jewish Social Studies*, I (1939), 299; Pierre Braun, "Le Département de la Moselle à la fin de la Monarchie de Juillet," *La Révolution de 1848*, XV, No. 82 (1920), 146.

[99] Pierre Genevray, "Les Juifs des Landes sous le Premier Empire," *Comité des travaux historiques et scientifiques. Bulletin de la section de géographie*, XXXVII (1922), 133.

[100] Raphael Mahler, *History of the Jewish People, Modern Times*, I (New York, 1957), 67 (Yiddish edition).

REVIEW SECTION

Works by Leo Baeck

AUS DREI JAHRTAUSENDEN, WISSENSCHAFTLICHE UNTERSUCHUNGEN UND ABHANDLUNGEN ZUR GESCHICHTE DES JÜDISCHEN GLAUBENS. By *Leo Baeck*. Mit einer Einführung von Hans Liebeschütz: (Veröffentlichung des Leo Baeck Institute). J. C. B. Mohr (Paul Siebeck). Tübingen, 1958. 402 pp.

JUDAISM AND CHRISTIANITY. Essays by *Leo Baeck*. Translated with an introduction by Walter Kaufmann. Leo Baeck Institute. New York, 1958. 292 pp.

THE German collection of learned essays and analyses by the late Leo Baeck contains twenty-two pieces, the English one five. Neither is a miscellaneous selection. Both were assembled by the author with a point of view and for a purpose.

Aus Drei Jahrtausenden was first published by the Berlin Schocken Publishing House in 1938, shortly before the Nazis turned their slow though systematic whittling-down of German Jewry and its institutions into the fiery fury of an all-devouring holocaust. Leo Baeck, then the head, spiritual and administrative, of the embattled remains of Germany's Jews, compiled the book to help them find strength and a meaning in their fight for survival. The essays in *Judaism and Christianity* were selected by Baeck in the early nineteen-fifties to be translated into English. At that time the author, who had survived the concentration camp and came to America regularly each year as a visiting professor, felt, as he remarked to this reviewer, that the American Jew, living in a milieu given to uncritical enthusiasm for *all* religions and for religiousness in general, needed a book which unhesitatingly marked the distinctions.

None of the essays contained in the two volumes was written for the purpose which determined the collections. Almost all of them had been published or completed when neither Hitler nor America were in the author's sight. They were the results of a lifetime of scholarly investigation into the history of Jewish faith and Jewish theology. And yet, what *Aus Drei Jahrtausenden* said about justice as aim and justification of life, inner freedom, authority and destiny of man, the messianic idea under the threat of power, the sanctity of the individual, the universality of the Jewish idea, or preaching as a means of self-assertion and self-preservation sounded so forcefully and excitingly the voice of resistance that the spiritual potency emanating from the learned

statements did not escape Hitler's State Police. The book never reached its audience; the entire edition was confiscated and destroyed.

The frightful topicality which the volume had in 1938 does not exist anymore. Twenty years later it appears to be just a collection of scholarly *opuscula* analyzing Jewish attitudes toward late Hellenism and early Christianity, the construction and philosophy of classic Jewish preaching, the idiom of Jewish faith, and the specific quality of Jewish mysticism, plus a few essays of a theological or religio-pedagogic nature. But is it in truth *merely* that?

Baeck himself, in his preface of 1938, assigned to *Aus Drei Jahrtausenden* a higher, collective aim. It was intended, he says, to reveal the specific quality and inner essential identity ("das Eigene und damit die Einheit") contained in the manifold expressions of Jewish piety and thought. The essential meaning of the spiritual history of Judaism ("geistige Geschichte des Judentums"), says Baeck, lies beyond the images in which it represented itself originally and beyond the concepts through which it later formulated itself. That transcending meaning is nothing static, but rather a continually and ever newly to be developed signification ("der Sinn mit seinem Gleichnis will immer wieder entstehen"). This statement has one sense when it is understood as the language, careful yet filled with hidden allusions, of the persecuted living under the sword. It has another, wider one at all times: those scholarly essays, traversing varied ground, probing into materials, minor and major, all reach out for the essence of Judaism, all bare facets of the same truth as so many *modi* of the same substance. Professor Liebeschütz, in his introduction, makes a few penetrating remarks about the dominant intent which ties the essays together (as, indeed, it did all of Baeck's researching and teaching). In the last analysis, this collection of *Einzeluntersuchungen*, of monographs of various import and length, even where it is historical or philological, is *one* book of theology.

The same impression is gained from the English volume, *Judaism and Christianity* (two of its essays, "The Son of Man" and "Romantic Religion," also appear in *Aus Drei Jahrtausenden*). Professor Kaufmann correctly states in his Biographical Introduction that the book is a criticism of Christianity and links this statement with another to which I take exception, namely, "Baeck's thought was polemical from the beginning, and the central theme from beginning to end is his polemic against Christianity." It is true that *The Essence of Judaism*, Baeck's classic book, to which Kaufmann refers, grew *from* a polemic against Harnack's *The Essence of Christianity*. But it is also true and immensely important that in spite of this genesis it never grew *into* a polemical book. With every new version it drew further away from polemics, and even in the most militant essay Baeck ever wrote, the one on "Romantic Religion," there is a tendency, a genuine tendency and not one conditioned by politeness or prudence, to have the subject of dispute

figure for purposes of delineation and juxtaposition (the latter being Baeck's own term). The difference is not as fine as it may sound. There is a sharp distinction between a *theologia polemica* and Baeck's kind of theological *confessio Judaica,* and the difference goes far to explain Leo Baeck, the *homo religiosus.*

Special recognition should be given to Professor Kaufmann for his translation, an exceedingly difficult task in the case of a writer whose expressions were not handling of words, but actions on ideas, and whose style, therefore, is characterized by incomparably personal word and sentence patterns.

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GREAT RABBIS OF THE LAST TWO CENTURIES

GUARDIANS OF OUR HERITAGE (1724-1953). Edited by *Leo Jung.* Bloch Publishing Company. New York, 1958. Pp. viii and 728.

THIS fine book of biographical essays constitutes the seventh volume in "The Jewish Library" series edited by Rabbi Leo Jung. Like that of its immediate predecessor, Volume VI of the Library, entitled *Jewish Leaders* (1750-1940), its purpose is "to preserve some very precious and too little known aspects of our history" during two centuries full of storm and stress for the preservation of the ideals of Torah-true Judaism or Orthodoxy.

The period under consideration is aptly summarized in this volume by Salomon Ehrmann, writing on the life of Isaac Breuer, as follows: In the wake of Jewish emancipation, the French Revolution uncovered, at first in the West, and gradually throughout the Jewish ghettos, the whole hitherto unrevealed wealth of European culture. In the struggle of ideas which ensued between this and the old Jewish national culture based on the recognition of G-d and of the Torah given on Sinai, the latter was seriously threatened. The ideal of humanism, the free individual, as well as the enticing vistas opened up by a spectacular development in natural science, the materialistic conception of life, the tearing down of barriers against Jewish citizenship—all these stood out in sharp contrast to a Judaism which was not only the spiritual banner-bearer of belief in G-d and the ideal conception of life, but which also made an absolute claim on the Jewish individual's practical life in all his undertakings from the cradle to the grave (p 619).*

In essence, the volume tells the story of how a number of dynamic leaders followed the pattern of "counter-assimilation" (as Samson Raphael Hirsch aptly put it) in order to offset the forces that were inimical to the development and growth of Orthodoxy. It thus forms a natural

and effective continuation of "The Jewish Library" series which has endeavored since its inception in 1928 to present the ideals and concepts of Orthodox Judaism to the American Jew in his native idiom and, as far as possible, in the categories of the thought-patterns of his own times.

Following the effective procedure adopted in the previous volume, of projecting the message of Orthodoxy through the lives and works of its articulate protagonists, the present volume is devoted to a portrayal of some twenty-seven such personalities—most of whom have not as yet achieved universal and popular renown among American Jews. As a matter of fact, a few of the biographies are here conceived for the first time in the English language.

The editor has, indeed, achieved his avowed purpose admirably. While the preceding volume concentrated on such well-known personalities as the Gaon of Vilna, Shneyur Zalman of Liady, Israel Salanter, and Samson Raphael Hirsch, the volume under review directs attention to an impressive galaxy of some lesser known personalities who effectively advocated the cause of Orthodoxy in various parts of the world during the last two centuries. Too long have the lives and works of such dynamic leaders—to cite but a few instances—as Rabbis Jacob Ettlinger, Simha Zissel Broida, David Hoffmann, and Ernst Weill been virtually closed books to the modern American Jew. Not that some of the better known names are left out. The present volume includes a second essay on Samson Raphael Hirsch, along with biographies of Rabbis Avraham Yitzchak Hacohen Kook, Isaac Elhanan Spector, and Hayyim of Volozin, whose lives and work were previously treated in biographical essays.

These biographies bear out one of the basic contentions of the editor —that one can be an Orthodox Jew and yet live at peace with modern thought and scientific progress. Indeed, one's Orthodoxy is strengthened by his knowledge of modern culture. In almost all of the essays—although they were written by and about men in different ages and in various environments—this concept seems constantly to be developed and may well be designated as the theme of the book. As Juda Ari Wohlgemuth puts it in his essay on Joseph Wohlgemuth*: "Anyone who, as a matter of principle, would avoid confrontation with a hostile philosophy of life, thereby derogates the power of the Torah and causes his spiritual being to become stunted" (p. 545). Rabbi Eliezer Ebner, writing about Rabbi Simha Zissel Broida (not of the West!), puts it more pointedly when he quotes his subject: "It is an act of *Kiddush Hashem* to demonstrate in this age of *Haskalah* that a Jew may be modern in manners, dress, speech, and general education, and yet be a scholar of Torah with a high ethical and pious disposition" (p. 334). Ebner goes on further to state: "He [Broida] changed the slogan of the *Haskalah,* 'Be a Jew in your house and a man outside,' to read: 'Be a Jew and a man in your house and a Jew and a man outside.' "

This does not mean that the book is a mere apologia for Orthodoxy. It portrays the dynamic and aggressive quality of the leaders whose lives it presents. These were articulate, able, effective men, who pursued their beliefs with vigor and trained hosts of disciples to walk proudly in their ways. As a matter of fact, one of the peripheral contributions of the book is the full measure of the *continuity of ideas* from master to disciple which it dramatically depicts. In most instances, the evaluations of these leaders were written either by their own offspring or by their pupils.

The full gamut of the "counter-assimilation," the effective espousal of Orthodoxy by men who harmonized the culture of their times with their religious beliefs is most vividly presented. We meet in these pages men of Torah whose first concern was the establishment of Yeshivos or higher schools of learning (Rabbis Isaac Elhanan Spector, Hirsch Hildesheimer, Joseph Leib Bloch of Telshe, Ernst Weill of France, and Moshe Avigdor Amiel of Belgium). We are brought face to face with students who projected the traditional approach to Bible study and offset the ravages of Higher Biblical Criticism (Rabbis David Hoffmann and Joseph Wohlgemuth). We see the efforts of men who use the language of their adopted countries in their writings and sermons to preach the genuine approach to Judaism (Isaac Leeser in America, Joseph T. H. Duenner in Holland, and Samuel Hirsch Margulies in Italy). We learn of the battles of religious leaders in the parliamentary and judicial halls of their countries, fighting to preserve their people and faith (Rabbis Tobias Lewenstein and Aaron Lewin). We are confronted with the great espousers of "Torah in Derekh Eretz" (Rabbis Samson Raphael Hirsch, Ezra Munk, Isaac Breuer, and Joseph Carlebach), the great leaders or forerunners of the Mizrachi movement (Rabbis Tzevi Hirsch Kalischer and Nehemiah Anton Nobel), and the theoreticians and founders of Agudas Israel (Rabbis Tobias Lewenstein and Isaac Breuer). The followers of the school of Mussar are also presented (Rabbis Simha Zissel Broida and Eliyahu Eliezer Dessler). Every conceivable approach in the great phase of "counter-assimilation" is represented in this rich volume.

One of the introductory essays deserves special mention. "Memoirs of Childhood—An Approach to Jewish Philosophy," by Nima H. Adlerblum, gives genuine educational purpose to the volume. The study of the biographies of these great leaders will surely help our youth experience the kind of rich Jewish living that Dr. Adlerblum enjoyed in her youth in Jerusalem and which she describes with great charm and pathos. As she herself so well puts it:

"To us the past was not a static entity; it gave momentum and content to our thoughts and feelings. Like poets who bring forth a sense of beauty in others, Jewish leaders, with their keen sensitivity, awaken the sense of Jewishness within the Jewish self. There is grandeur in the

double projection of oneself into the otherness of the past and that of the future" (p. 60).

The cumulative effect of these biographical essays—and more which do not easily fall into the categories delineated above (Rabbis Hayyim of Volozin, Avraham Yitzchok Hacohen Kook, and Menahem Ziemba are Geonim of the spirit in their own right)—is a tribute to the hard work of the editor, who must have gone to great trouble to collect the various contributions. Yet, upon closer perusal, there are some very evident lacks in the volume. For one, there is a preponderance of essays about men who were raised in Western and Central Europe, particularly in Germany. One wonders whether the editor was not biased in concentrating so much upon students of his Alma Mater, the Hildesheimer Seminary in Berlin, who naturally would advocate the "Torah in Derekh Eretz" approach. Comparatively few of the Eastern European leaders of Orthodoxy, particularly the great *heads of yeshivoth* of Lithuania, are represented. We find more leaders of Agudas Israel than Mizrachi personalities. And the exponents of American Orthodoxy are most conspicuous by their absence. The volume should have included biographies of such American Jewish leaders as Dr. Bernard Revel of Yeshiva University, Rabbi Shraga Feivel Mendlowitz of Yeshiva Torah Vodaath, and Rabbi Wolf Gold of Mizrachi—to name a few who come to mind. Rabbi Abraham Jacob Gershon Lesser—with all due respect for his memory and accomplishments—is hardly a representative leader of American Orthodoxy; and there were men who contributed much more to the growth of indigenous Jewish life than Isaac Leeser, these two being the only Americans to appear in the volume.

Secondly, the writing and presentations of the essays are uneven, to put it mildly. While it must have been difficult to give specifications to the writers, their approaches and styles vary far too much to make this a compact and homogeneous volume. Some subjects come in for full treatment—their lives, works, and ideas are most adequately presented—while others are disposed of with a few disjointed facts. Outstanding instances of inadequate presentations are the lives of Joseph Tzevi Halevi Duenner of Holland and Samuel Hirsch Margulies of Italy, and this despite introductory statements that in this work these biographies make their first appearance! While it probably would have been difficult to maintain the standards set by the late Yeshayahu Aviad-Wolfsberg, who writes about David Hoffmann (easily the best essay in the volume), or by Rabbi Walter S. Wurtzburger, who presents the life and thought of Rabbi Hayyim of Volozin, a more careful approximation of their efforts would have produced a far richer volume.

A third difficulty that troubles this reviewer is the order of the volume. While the editor follows the chronological system, it would have been much wiser to present the essays according to lands of origin, points-of-view, or some other central idea. As constituted at present,

the volume seems to be a series of disparate essays rather than the homogeneous collection it aims to be. The average reader is liable to be greatly confused by the sudden shifting of environment, background, and point-of-view. "The Jewish Library" is intended primarily for popular consumption, and chronology seems far less important than homogeneity of presentation.

Yet most of these points of criticism will trouble only the casual reader of the volume; the careful and persistent reader will be sure to appreciate and enjoy its cumulative effects already described.

JOSEPH KAMINETSKY

New York, N. Y.

BIOGRAPHY OF A GREAT SHTADLAN

JOSEL VON ROSHEIM: BEFEHLSHABER DER JUDENSCHAFT IM HEILIGEN ROEMISCHEN REICH DEUTSCHER NATION. By *Selma Stern.* Deutsche Verlags-Anstalt, Stuttgart, 1959. 279 pp.

IT is only proper that a book about the defender of sixteenth-century German Jewry should be sponsored by the Leo Baeck Institute, the organization of the remnants of the same Jewry in modern, and presumably more civilized, times whom no defense could help. The book is dedicated to the memory of Leo Baeck, that man of great heart and mind whose latter years were spent in efforts to revive the spirit of his people. The authorship, too, is fortunate; for Miss Stern's intellectual and scholarly attainments have earned her a place among the foremost representatives of the once glorious German Jewish community against which Nazism sinned so grievously.

Josel of Rosheim (1473-1554) left exceedingly little information in writing. The preparation of his biography therefore called for diligent research into the archives of the politically and religiously turbulent era in which he lived, as well as for great powers of historical reconstruction. The author tells us how Josel rose to leadership among the Jews of western Germany and how his influence spread among the Jewish and the government circles of the fragmentized Empire. He must have been a consummate diplomat to have succeeded in composing quarrels within the Jewish communities—that of Prague, for example, when Josel's very life was threatened—and in finding his way into the highest circles of several imperial diets to defend his coreligionists.

Miss Stern's method is to quote a passage from Josel's meager writings and then to place the situation therein described into the context of the events to which it refers. The result is an excellent picture of the march of social and political happenings in the Empire as these affected the Jews directly and indirectly. The method has its

drawbacks, since it takes for granted considerable knowledge of sixteenth-century history. It is hard to see what else the author could have done, except, perhaps, to provide a brief background chapter on the history of Germany in that period.

Josel himself emerges as a strong, clever, resourceful personality. And yet the book is hardly the biography of the man, even though it is an excellent biography of the *shtadlan*. We learn about his ancestry, but all too little about his personal life and family. The book is history rather than biography.

Miss Stern's lucid style and her sense of the dramatic makes the book easy to read. She has wisely relegated to numerous notes many details which might have interfered with the flow of the story. What we have is therefore a highly interesting narrative about the crucial half-century during which the fate of German Jewry was decided for the three centuries which followed. Josel's diplomatic victories had been of little avail, although his intelligence, ability, and self-sacrificing devotion exemplified Jewish public service at its noblest.

SOLOMON GRAYZEL

Jewish Publication Society of America

ANALYSIS OF JEW HATRED

DIE ZWEI WURZELN UND FORMEN DES JUDENHASSES (The two roots and forms of Jew hatred). By *Walter Sulzbach*. W. Kohlhammer Verlag. Stuttgart, 1959. 55 pp.

THE author, introduced on the jacket as a former member of a banking firm and a lecturer in sociology at the University of Frankfurt in pre-Hitler Germany, undertakes in this slender volume to analyze the phenomenon of Jew hatred throughout the ages. "The Jewish question has been with me my whole life long," he states in the preface, "although it is not the main subject of my previous books and essays." Among the latter enumerated on the jacket, his study, "Vorurteile und Instinkte, eine Untersuchung über die Rassenabstossung und den Antisemitismus," published in 1923, is not listed. It would have been interesting to compare it with the author's present views. Unfortunately, it was not available to this reviewer.

Doctor Sulzbach differentiates theories on Jew hatred into three categories: (1) The "objective" doctrine explains Jew hatred on the ground of all the bad characteristics that are in general condemned in other human beings and that are in particular blamed on the Jews. According to the author, these theories, being centered in human traits, explain only "primary" Jew hatred, which is based on indoctrinated traditions. "Secondary" Jew hatred presupposes the primary; it blames on the Jews circumstances that are not held against others, *e.g.*, being

physicians or lawyers, carrying on trade, the intention of getting rich, and the like. (2) The second group of theories, called "subjective" by the author and described by him as having a psychoanalytical basis, find the roots of Jew hatred in the psychological qualities of the enemies of the Jews, who blame their own failures and disillusionments on "scapegoats." The Jews, being a defenseless minority among the nations, are the most suitable object for such a reaction. (3) A third theory, to the author as unsatisfactory as the others, considers anti-Semitism as created merely by an instinct.

Dr. Sulzbach confines his own analysis to anti-Semitism in the Christian world. Its paramount cause he finds in "an assumption that existed in this realm only and exclusively with regard to the Jews: the belief in their historical importance in the past as well as for the present and the future; also the conviction that the Jews wield a power that is no less effective for being invisible" (p. 15).

The historian, long accustomed to ascribing phenomena like anti-Semitism not to one but to many constituting factors, cannot consider this explanation of a most complex development as either original or persuasive. He knows only too well the origin and various phases of ancient and medieval Jew hatred and modern political and racial anti-Semitism, to cite only the most obvious kinds. Dr. Sulzbach, still leaning on the old theory of alien-hatred, stresses two motives that manifest themselves in each utterance and appearance of Jew hatred, one emotional, the other intellectual in origin. "Although they came into being independently, they uphold and intensify each other" (pp. 5f.). To prove his point, the author gives in three chapters almost innumerable examples from the history of Jew hatred in ancient, medieval, and modern times. The headings of these chapters are: II. "The Ancient Period and Islam"; III. "Judaism and Christianity"; IV. "The Secularization of Theological Concepts." He is particularly proud of the last-mentioned chapter (p. 6).

In plowing through these pages, one finds a *Sammelsurium* (a milder expression than hodge-podge) of selections or gleanings from various secondary sources, which themselves are derived mostly from secondary material. The author, who surely must be given credit for wide reading in various areas of the almost inexhaustible topic of anti-Semitism, attempts to understand (not to explain) them from the historical, sociological, economic, psychological, and psychoanalytical points of view. No new vistas are opened thereby, however.

In the last chapter, "The Jews' Future," also grounded on secondary and thirdhand material, Dr. Sulzbach is neither clear nor consistent in his summing up of "the two roots and forms of Jew hatred." To give an example, in contrast to what he said on page 13 about the scapegoat theory, he explains decreasing (?) anti-Semitism in America by the fact that "American economic life has since 1940 almost continuously flourished and therefore the need for scapegoats is diminishing."

Dwelling on the Jews' future, the author prophecies: "In the next hundred years the situation of the Jews in the Diaspora will probably improve in proportion as their number decreases by conversions and mixed marriages, and the descendants of Jews living today will escape the curse of the concept 'Jew'" (pp. 50f.). This means, if the reviewer understands the author's argumentation correctly, after far more than half a century of Zionist ideals and activities, a return to the panacea of mass baptism recommended so often by ultra-assimilationists in the period of Emancipation. A genuinely scholarly, historical, and sociological approach to his topic would never have carried the author so far afield; and this only a little more than a decade after the debacle of the Hitler era.

It is unfortunate that this essay should have found acceptance into the publications of the Institutum Judaicum Delitzschianum, in whose annual lecture series no less a personality and scholar than the late Leo Baeck participated, delivering one of his last lectures, of a far different kind of scholarship and approach to the future of the Jews in the Diaspora.[1]

GUIDO KISCH

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JEWISH PERSECUTION IN HUNGARY

VADIRAT A NACIZMUS ELLEN. DOKUMENTUMOK A MAGYARORSZAGI ZSIDÓÜLDÖZÉS TÖRTENETEHEZ. Volume I. 1944 március 19—1944 május 15. A német magszállá stól a deportálás megkezdéséig. Edited by *Ilona Benoschofsky* and *Elek Karsai*. A Magyar Israeliták Országos Képviselete Kiadása. Budapest, 1958. 379 pp. with illustrations.

THIS is the first volume in the series of documentary collections on the history of Jewish persecutions in Hungary to be published under the auspices of the Central Board of Hungarian Jews in Budapest. The book,

[1] Only after this review was completed and the type set was I able to consult the author's above-mentioned publication of 1923. It is based on exactly the same lines of thought, the argumentation is identical, the examples are better and less dependent on thirdhand material. The author's attitude toward assimilationism and conversion was then quite different (cf. pp. 62 ff.). The reviewer in the *Monatsschrift für Geschichte und Wissenschaft des Judentums* (LXVIII, 1924, 259 f.) found the argumentation contradictory and that the main problem was not attacked. Even though he concluded that "the work delves much deeper than most writings of the race theorists," it seems to the present reviewer that there was no need for reviving an essay which, at the time of its original publication, had received practically no attention and had rightfully fallen into oblivion.

carefully edited and well-constructed, covers the period from the German occupation of Hungary on March 19, 1944, to the beginning of the deportations on May 15, 1944. It includes 140 documents, some of them supplemented by related documentary material. The type and nature of the documents vary. Included are minutes of the meetings of the Council of Ministers, texts of anti-Jewish laws and decrees, reprints from both Jewish and anti-Semitic newspapers, transcripts of wartime radio broadcasts from Moscow and Budapest, news reports of the "Magyar Távirati Iroda," announcements by the Jewish Council, and excerpts from personal narratives. The documents are arranged in chronological order and are supplied with both archival location designations and succinct captions. The latter give the name of the sender, the type of the document, the addressee, and the subject matter. Their use is further facilitated by the various indices appended to the volume.

While the bulk of the material has long been available to readers, some of the documents are quite new and interesting. The serious student of this tragic era of Hungarian Jewry, however, must feel somewhat disappointed, for he will miss certain of the most important items of information. For instance, none of the documents included pertain directly to the official negotiations held, during the period covered in the volume, by Endre and Baky—the two hangmen of Hungarian Jewry—with Eichmann or the other members of the *Einsatzkommando*. Missing also are the documents emanating from the office of Lt. Gen. László Ferenczy, the man entrusted with the actual deportations. This reviewer searched for some material that could perhaps be used by the prosecution in Frankfurt-am-Main in the case against Hermann Alois Krumey and Otto Hunsche, two members of the *Einsatzkommando* entrusted with the liquidation of Hungarian Jewry, but could find only a few trivial references to Krumey and nothing whatsoever on Hunsche. This shortcoming cannot be blamed on the editors alone, as they were probably limited in their selection both by governmental restrictions on certain still unclassified material and perhaps simply by the nonavailability of the documents. According to one of the editors, the archives of some of the national institutions and ministries were partially or totally destroyed during the siege of Budapest.

In evaluating the merits of this volume, one must also keep in mind the circumstances under which Hungarian Jewish and non-Jewish intellectuals in general and those dealing with Jewish subjects in particular must labor. Notwithstanding its shortcomings, therefore, the volume must be viewed as an encouraging demonstration of the relative reactivation of Jewish secular scholarship in Hungary. It will certainly be helpful for those interested in this period of Hungarian Jewish history.

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American Jewish History

THE JEWISH COMMUNITY OF UTICA, NEW YORK, 1847-1948. By *S. Joshua Kohn*. American Jewish Historical Society. New York, 1959. Pp. 221.

WHEN, a generation or two hence, scholars will sit down to write the history of the American Jewish Community, their task will be considerably lightened by the availability of an increasing number of Jewish community chronicles. Rabbi S. Joshua Kohn, who for sixteen years ministered in the upstate New York City of Utica, has made a fine contribution to the American Jewish community record. He has performed more than a labor of love by setting down for posterity the story of Utica Jewry's first century. Students of the future will find in it scholarly verification of what has already emerged as a classic pattern of American Jewish community growth and development. There are the waves of settlement corresponding to the waves of European anti-Jewish hostility. There are the early "peddlers" who become founders of successful family retail enterprises and whose sons and grandsons turn to the professions. There is the movement from one part of the city to another with the growth of the Jewish community's prosperity. There is the development of synagogue life starting with an "old" or "Poilishe Shul" and ending with a Reform temple. And finally, paralleling the foregoing development, the Jewish community as a whole gradually deepens its inner character through the need to stand together against anti-Semitism and to work together for its general social welfare. As Professor Jacob R. Marcus states in his brief foreword: "Every American Jewish community is, in a sense, a microcosm of the whole, the larger American Jewish whole." Utica serves as a good example of this axiom.

Jewish life in Utica during its first half-century seems to have been almost idyllic. The Jews were well-respected members of the community, known in the daily press for their "commendable liberality" in taking care of their own communal needs. Squabbles between rival "Shuls" were minor. Ideological differences did not rise to the surface until relatively recent times. This writer, who served the new Utica Reform Temple Emanu-El for some years, found it refreshing to note that the sermon at the dedication of the Orthodox House of Jacob Synagogue, in 1882, was delivered by the Reform Rabbi David Bergheim of Syracuse. As late as 1929, Dr. Nathan Krass, Rabbi of New York's Temple Emanu-El, delivered the main address at the cornerstone laying of the Conservative Temple Beth-El. On the other hand, an early (1903) attempt to found a Reform Temple in Utica ended in failure.

It was the leadership of the Conservative Temple Beth-El, which, in 1932, under the guidance of Rabbi Kohn, gathered the energies of the many fraternal and religious organizations that had sprung up over the

years into the Jewish Community Council. Evidently seeing the handwriting on the walls of Europe, but responding also to grave economic difficulties resulting from the depression years, the Council harnessed communal energies for the development, aid, and promotion of "Jewish life in Utica . . . and in all other countries." The Council has remained a dominant and unifying force in Utica's Jewry civic life. It is noteworthy that the "commendable liberality" for which Utica's Jewry had been congratulated at an earlier time is still a characteristic trait of the community. In 1948 the community of approximately 1200 Jewish families supported nine full-time professionals (including five rabbis), six temples and shuls, a Jewish community center, a Jewish social service agency, and a home for the aged. Every national Jewish fund-raising endeavor has fared well among Utica's Jews, as has the Community Chest and the Y.M.C.A. A remarkable situation, no doubt, for a community its size.

Rabbi Kohn's approach to his subject matter is orderly and systematic. The volume is well founded in historical sources supplemented by personal accounts and recollections of some of the elders of the community. The work suffers slightly from the inclusion of too many names. However, since Utica's Jewish Community Council helped to underwrite its publication, one can understand Rabbi Kohn's motivations in this regard.

It is to Rabbi Kohn's credit that he has written a lively and interesting narrative. Readable history is not too usual a phenomenon. But, then, Rabbi Kohn is describing a very unusual Jewish community.

BERNARD N. COHN

Wantagh, N. Y.

A BIOGRAPHICAL ENCYCLOPEDIA

OESTERREICHISCHES BIOGRAPHISCHES LEXIKON 1815-1950. Herausgegeben von der Österreichischen Akademie der Wissenschaften. Nach Vorarbeiten von *Anton Bettelheim* und *Oswald Redlich* unter Mitwirkung bewährter Sachkenner und der Leitung von *Leo Santifaller* bearbeitet von *Eva Obermayer-Marnach*. Verlag Hermann Böhlaus Nachf. Graz-Köln, 1957, 1958, 1959. Lieferung 5-9. Pp. 385-448 and 1-384.

BETWEEN 1957 and 1959 were published five additional fascicles of this extremely important biographical encyclopedia, comprising names from Gaal to Hofmann von Aspernburg. The first four fascicles, as well as the biographical project in its general aspect, were extensively discussed in volumes XVII (1955), pp. 156-158, and XIX (1957), pp. 83-84, of this journal. Instalments 5 to 9 under review show the same fine qualities which characterized their predecessors: accuracy,

reliability, and impartiality. Again, a substantial number of bearers of Jewish names and personalities of Jewish descent are found and biographically described in the *Lexikon*. The following instances, taken from among the prominent Austrian Jews listed, may be mentioned. Of rabbis only two names are found: David Herzog, whose major achievements lie in the field of the history of the Jews in the Austrian province of Steiermark; and Sigmund Gelbhaus, whose scholarly work and importance are unduly exaggerated by an unnamed biographer. We miss, however, the following rabbis who, in addition to their work in rabbinics, made a name for themselves among Jewish historians: Nathan Grün of Prague, one of the first to write on the life of the High Rabbi Loew, famous through the figure of the Golem, and on other topics relating to the history of the Jewish community in the Bohemian capital; Max Grunwald, Viennese rabbi and founder of the modern study of Jewish folklore, editor of more than thirty volumes of *Mitteilungen zur jüdischen Volkskunde;* Moritz Grünwald, rabbi in Belovar, Pisek, and Jungbunzlau (Bohemia), known for his research in local community history and Jewish genealogy, for a decade editor of *Das jüdische Centralblatt zugleich Archiv für die Geschichte der Juden in Böhmen* (1882-1892); Adolf Huebsch, one of the early Bohemian rabbis who emigrated to America and became an outstanding preacher in New York City. Among orientalist scholars these are included: Jakob Goldenthal, editor of works of medieval Hebrew literature; Ignaz Goldzieher, one of the greatest scholars in the history of Islam and semitic philology. The volume contains also a concise biography of Herzl from the pen of his biographer, Alex Bein. From the world of non-Jewish scholarship a great number of Jewish bearers of famous names is listed, among them: Julius Glaser, Austrian Minister of Justice, author of the code of criminal procedure still in force in Austria, and founder of the science of criminal procedure and criminology in Austria and Germany; Arthur Goldmann, outstanding connoisseur of and author on the history of Viennese Jewry; Emil Goldmann, historian of medieval law and Etruscology; Heinrich Gomperz, philosopher; Theodor Gomperz, classical philologist and historian of ancient philosophy, whose work *Griechische Denker* became a classic, went through numerous editions, and was translated into many languages including Hebrew; Karl Grünberg, scholar in agricultural history and founder of the archives for social and economic history; Ludwig Gumplowicz, author of basic works in public law and pioneer in modern sociology. From the world of music: Karl Goldmark, composer of "The Queen of Saba" and other operas; Heinrich Grünfeld, world-famous cellist; Eduard Hanslick, himself not Jewish but married to a Jewess from a family of high reputation, courageous antagonist of Richard Wagner. From the world of letters: Stefan Grossmann, well-known journalist; Auguste Hauschner, whose novels pictured the Jewish milieu of her period.

This list could be continued for politics, finance, philanthropy, and

other avenues of human endeavor. It proves—obviously without any intent of apologetics—the participation and lasting merits of Austrian Jews in the civilization of the Danube monarchy in the period between 1815 and 1950. In the absence of any comprehensive work on the history of the Jews in the Austrian-Hungarian Empire during the century prior to the destruction of its Jewish community,the *Biographisches Lexikon* performs a valuable function in offering important historical information.

GUIDO KISCH

Hebrew Union College—
Jewish Institute of Religion

NECROLOGUES

BERTHOLD ROSENTHAL

1875-1957

ON December 16, 1957 there died in Omaha, Nebraska, an exile from Hitler's one-thousand-year Reich, Berthold Rosenthal, the esteemed historian of the province of Baden in South Germany, where he was born on January 17, 1875, in the small village of Liedolsheim, near Karlsruhe. For more than forty years a teacher in the state elementary school system of Mannheim, he indulged with exemplary devotion and diligence in his only hobby, the history of the Jews in his homeland. The most important result of this pursuit was published in 1927, *Heimatgeschichte der badischen Juden seit ihrem geschichtlichen Auftreten bis zur Gegenwart,* 532 closely printed pages with numerous illustrations and maps.

As the title indicates, the author intended to present a historical documentation and readable narrative of the age-old intimate relationship of the Jews of Baden with their native land and to compose a "Heimatlesebuch" designed to create good will among intellectuals of all circles and all religious affiliations so that an unbiased judgment of people of different education and Weltanschauung would be possible. Rosenthal was highly successful in his task. His book was written with "infinite love," as a German reviewer observed shortly after its publication, and in the short pre-Hitler period became a "Heimatbuch" in the best meaning of the term. If in those days historical criticism pointed to certain minor shortcomings, nevertheless, opinion was unanimous that this comprehensive and readable presentation of the history of about 12,000 Jews living in Baden was a valuable contribution to the—alas, up to this day unwritten—history of German Jewry.

The importance of this work is not diminished even now, after more than three decades, when the generation interested in writing the history of the once flourishing Jewish community of Germany is slowly but surely and inexorably dying out. For this reason attention should also be directed to one of the numerous shorter essays from Rosenthal's pen, a history of the Jewish elementary schools of Baden, which appeared in 1934 in the anniversary volume *Festschrift zum 125-jährigen Bestehen des Oberrats der Israeliten in Baden* (pp. 127-165).

The voluminous historical materials collected by Mr. Rosenthal are deposited in the archives of the Leo Baeck Institute of New York City.

Future research will gratefully remember the lifework of a devoted and unassuming student of local Jewish history.

GUIDO KISCH

Adolf Kober

1879-1958

RABBI Adolf Kober, born on September 3, 1879, in Beuthen (Upper Silesia), a graduate of the Jüdisch-Theologisches Seminar Fraenckelscher Stiftung in Breslau, who died on December 30, 1958, in New York City, followed the tradition of that famous European rabbinical school, with whose history such names as Zacharias Frankel, Heinrich Graetz, David Kaufmann, Marcus Brann were connected.

Dr. Kober combined his rabbinical work, first at Wiesbaden, later as the head of one of the largest Jewish communities of Germany in Cologne, with most diligent and productive scholarship in medieval Jewish history. His chosen field, to which he remained faithful, even through the years of his exile, until his very last day, was the history of the Jews in the Rhineland. Studies on the legal status of the Jews and their right to own real property during the fourteenth century, on Jewish art and cultural monuments, on early Jewish physicians, on ancient tombstones in that German province of great importance for European Jewish history, these grew out of Dr. Kober's lifelong research in pertinent archival material. A bibliography of his writings would be very lengthy. The most important titles (in the German language) are found in the bibliographies of this writer's books on medieval German Jewry. Dr. Kober's crowning work was a *History of Jews in Cologne,* published in 1940 in the Jewish Communities series by the Jewish Publication Society of America. He was also a contributor to *Historia Judaica;* in volume V (1943), pp. 165-182, appeared his article, "Jewish Names in the Era of Enlightenment," and in volume VII (1945), pp. 103-134, an extensive essay, "Jewish Preaching and Preachers in Germany and America," with a bibliography of early American sermons in the German language.

During his American years Dr. Kober turned more and more to bibliographical and statistical research on the literary and educational activities of German Jewry in the one and a half centuries preceding the destruction of European Jewry by the Hitlerian holocaust. His work was carried on under the auspices of the Conference on Jewish Relations. These studies were printed in part in *Jewish Social Studies,* most important among them being "Jewish Communities in Germany from the Age of Enlightenment to Their Destruction by the Nazis" (vol. IX [1947], No. 3) and "Emancipation's Impact on the Education and Vocational Training of German Jewry" (vol. XVI [1954], No. 1-2). On the occasion of the one hundredth anniversary of the Revolution of 1848 Dr. Kober published in the same journal a study on the "Jews in the Revolution of 1848 in Germany" (vol. X, [1948], No. 2). Voluminous manuscripts on the German-Jewish periodicals of the

Emancipation period, compiled by Dr. Kober in his capacity as research fellow of the American Academy for Jewish Research, still await publication which, it is hoped, will soon be undertaken by the Leo Baeck Institute to honor the memory of this untiring and highly meritorious worker who, unperturbed through exile and all the other misfortunes that Hitler's persecution inflicted on him, followed the traditional paths of "Wissenschaft des Judentums."

GUIDO KISCH

JOSHUA TRACHTENBERG

1904-1959

HISTORIA JUDAICA mourns a fine scholar and devoted friend, who assisted in the editorial work with generous and unselfish devotion during the difficult early years of publication from 1942 through 1944, Rabbi Joshua Trachtenberg.

Born in London, he came as a child to this country, studied at City College and graduated from Hebrew Union College in Cincinnati. He received a Ph.D. degree from Columbia University, and later an honorary Doctor's degree from his Cincinnati alma mater. For more than two decades he was the spiritual leader of Temple Brith Sholom in Easton, Pennsylvania, and of Temple Emeth, Teaneck, N. J., from 1953 until his untimely death.

Following the example of the scholarly rabbis of nineteenth-century Europe, Dr. Trachtenberg found time for profound research in Jewish history, in addition to all the activities and duties of a rabbi. He first won recognition in the world of Jewish scholarship with his book, *Jewish Magic and Superstition* (1937), a highly-praised study of various beliefs in supernatural manifestations which have become absorbed into Jewish life and in some instances have acquired peculiar Jewish interpretations. In 1943, he published a work on the medieval conception of the Jew, based on abundant historical material and conceived with historical-psychological sagacity and penetrating scholarship (*The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Antisemitism*, Yale University Press). The reviewer of the book in *Historia Judaica*, (VI [1944], 201), Dr. Solomon Grayzel, wrote: "Dr. Trachtenberg has done more than fulfill his aim of shedding new light on Jewish-Christian relations. His book will long continue to be indispensable for any study of these relations." It went through several printings. His third opus, now out of print and in the present flowering of congregational historical writing much in demand, treated American Jewish source material of the nineteenth century. It is a history of his first congregation, *Consider the Years: The Story of the Jewish Com-*

munity of Easton, 1752-1942. In this work he put into practice his theory on how American-Jewish history ought to be written. He departed from the up to then customary way of marking congregational anniversaries by issuing pamphlets containing a more or less reliable historical abstract, but consisting mainly of anniversary addresses, programs of festivities, congratulatory messages, lists of guests, and advertisements. Instead, Dr. Trachtenberg described in full the historical evolution of Easton's Jewish community on the basis of sound archival, historical, and sociological studies. The accuracy of the historian found expression not only in the brilliant style of the text but also in pertinent footnotes and useful historical appendices. In this way Dr. Trachtenberg set in almost classical form a standard example of how American-Jewish congregational history should be written.

Of his other numerous historical contributions, which would make up a long list, two must be mentioned—both in the field of American-Jewish history: "American Jewish Scholarship," in *The Jewish People, Past and Present,* vol. IV (1955), pp. 411-455; and "Jewish Bibliography in America," in *Studies in Bibliography and Booklore,* II (1956), pp. 99-101.

When we consider the physical difficulties, created by failing eyesight, under which Dr. Trachtenberg had to work for many years, our admiration and appreciation for his scholarly achievements are still further enhanced.

GUIDO KISCH

NOTICES OF RECENT PUBLICATIONS

H. G. Adler, *Die verheimlichte Wahrheit: Theresienstädter Dokumente.* J. C. B. Mohr (Paul Siebeck). Tübingen, 1958. xiii and 372 pp.

A supplementary volume to the same author's *Theresienstadt* of 241 hitherto unpublished documents and pictures illustrating the unique phenomenon of the concentration camp of Theresienstadt.

Siegfried M. Auerbach, *The Descendants of Moritz Löwenthal of Ladenburg.* Perry Press Productions, Ltd., London, 1959. 72 pp. in quarto.

A genealogy and sociological-statistical evaluation of the history of a German-Jewish family now dispersed throughout the world.

Sir Isaiah Berlin, *The Life and Opinions of Moses Hess.* W. Heffer & Sons, Ltd. Cambridge, 1959. 49 pp.

The 1957 Lucien Wolf Memorial Lecture delivered at the Jewish Historical Society of England.

A. W. Binder, *Biblical Chant.* Philosophical Library. New York, 1959. 125 pp.

Josef Blinzler, *The Trial of Jesus: The Jewish and Roman Proceedings against Jesus Christ Described and Assessed from the Oldest Accounts.* Translated from the German. The Newman Press. Westminster, Md., 1959. xi and 311 pp.

Joseph L. Blau, and others (editors), *Essays on Jewish Life and Thought.* Presented in honor of Salo Wittmayer Baron. Columbia University Press. New York, 1959. xxx and 458 pp.

A collection of essays on Jewish history by former students in honor of the sixty-fifth birthday of their teacher.

Boaz Cohen, *Law and Tradition in Judaism.* Jewish Theological Seminary of America. New York, 1959. xii and 243 pp.

Eight scholarly studies on comparative Jewish law and ethics as an "attempt at a sort of philosophy of Jewish religious law from the point of view of historical-traditional Judaism."

Richard W. Emery, *The Jews of Perpignan in the Thirteenth Century: An Economic Study Based on Notarial Records.* Columbia University Press. New York, 1959. xii and 202 pp.

Else Freund, *Die Existenzphilosophie Franz Rosenzweigs.* Ein Beitrag zur Analyse seines Werkes "Der Stern der Erlösung." Second revised ed. Verlag Felix Meiner. Hamburg, 1959. viii and 196 pp.

Hermann Levin Goldschmidt, *Leo Baeck-Heft.* Jüdisches Lehrhaus Zürich. Zürich, 1959. 36 pp.

An appreciation of Leo Baeck and reprint of three of his early essays.

Oscar I. Janowsky, *Foundations of Israel: Emergence of a Welfare State.* D. Van Nostrand Co. New York, 1959. 191 pp.

Arthur Joseph, *Meines Vaters Haus: Ein Dokument.* J. G. Cottasche Buchhandlung. Stuttgart, 1959. 144 pp.

Impressive memoirs of a German-Jewish merchant.

Guido Kisch, *Bartolus und Basel* (Basler Studien zur Rechtswissenschaft, Heft 54). Helbing & Lichtenhahn. Basel, 1959. 108 pp.

Guido Kisch and Kurt Roepke, *Schriften zur Geschichte der Juden* (Schriftenreihe wissenschaftlicher Abhandlungen des Leo Baeck Institute of Jews from Germany, Volume 4). J. C. B. Mohr (Paul Siebeck). Tübingen, 1959. xii and 49 pp.

A bibliography of all doctoral dissertations on Jewish subjects published in Germany and Switzerland from 1922 to 1955, with an introductory essay on the history of Jewish bibliography during the nineteenth and twentieth centuries.

Ephraim E. Lisitzky, *In the Grip of Cross Currents.* Translated from the Hebrew by Moshe Kohn and Jacob Sloan. Bloch Publishing Co. New York, 1959. xiii and 305 pp.

Autobiography of the New Orleans Hebrew poet and educator.

Jacob R. Marcus, *American Jewry: Documents: Eighteenth Century.* Hebrew Union College Press. Cincinnati, 1959. 492 pp.

A collection of manuscripts dealing with the daily life of American Jews in eighteenth-century colonial days, most of which published for the first time.

Julius Mark, *Reaching for the Moon.* Farrar, Straus and Cudahy. New York, 1959. xiv and 177 pp.

A selection of sermons by the senior rabbi of Temple Emanu-El, New York; with an introduction by Solomon B. Freehof.

Isaac Rivkind, *Jewish Money in Folkways, Cultural History and Folklore. A Lexicological Study.* American Academy for Jewish Research. New York, 1959. Lii and 303 pp. (Yiddish.)

Judah Rosenthal, *Yair Ben Shabetay da Corregio: Herev Piphioth* (*A Two-Edged Sword*). Mossad Harav Kook. Jerusalem, 1958. 112 pp. (Hebrew.)

Cecil Roth, *The Historical Background of the Dead Sea Scrolls.* Philosophical Library. New York, 1959. 87 pp.

A study on the problem of the identification of the Sect.

Lothar Rothschild, *Tradition und Erneuerung.* Nos. 2-6. Vereinigung für religiös-liberales Judentum. St. Gallen (Switzerland), 1958-9. 100 pp.

A new quarterly of the Swiss Association for Liberal Judaism.

Dagobert D. Runes, *Pictorial History of Philosophy.* Philosophical Library. New York, 1959. x and 406 pp.

B. Sagalowitz, *Die Stellung der Juden in der Schweitz.* Buri & Cie. Bern (Switzerland), 1959. 15 pp.

An offprint from the Jahrbuch "Die Schweiz."

Edmund Silberner (editor), *Moses Hess: Briefwechsel.* Mouton & Co. 's-Gravenhage 678 pp.

A collection of 180 letters by Moses Hess and 263 addressed to him, all published (with annotations) in the original languages in which they were written (for the most part German).

A. Allan Steinbach (editor), *Jewish Book Annual,* Volume 17. Jewish Book Council of America. New York, 1959. 186 pp.

Essays on the Jewish literary production in the past year in English, Hebrew and Yiddish and annotated bibliographies.

Zosa Szajkowski, *Autonomy and Communal Jewish Debts during the French Revolution of* 1789. The author (200 W. 108th St.). New York, 1959. x and 182 pp.

Eugen Täubler, *Biblische Studien: Die Epoche der Richter.* Edited by Hans-Jürgen Zobel. J. C. B. Mohr (Paul Siebeck). Tübingen, 1958. xv and 320 pp.

Victor Tcherikover, *Hellenistic Civilization and the Jews.* Translated from the Hebrew. Jewish Publication Society of America. Philadelphia, 1959. 566 pp.

Uriel and Beatrice Weinreich, *Yiddish Language and Folklore.* A selective bibliography for research. Mouton & Co. 's-Gravenhage, 1959. 66 pp.

Augusta Weldler-Steinberg, *Interieurs aus dem Leben der Zürcher Juden im* 14. *und* 15. *Jahrhundert.* Der Scheideweg. Zürich 7, 1959. 52 pp.

Excerpts from medieval documents originally published in instalments in the 1920's in the *Israelitisches Wochenblatt für die Schweiz.* Appended is a biography of the author who died in 1932.

Year Book III: Men and Epochs in German Jewry. (Publications of the Leo Baeck Institute of Jews from Germany). East and West Library. London, 1958. xix and 416 pp.

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GUIDO KISCH

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Historia Judaica

THE SCHOOLS OF THE ALLIANCE ISRAÉLITE UNIVERSELLE

(On the Occasion of the Centenary of the Alliance)

By Zosa Szajkowski
New York

I

ONE hundred years ago, in 1860, the Alliance Israélite Universelle was founded in Paris. Of the various activities of this organization it is especially known for its educational role among Jews in Africa and the Near East.

The establishment of Jewish schools was a major concern of French Jews. For a decade from 1809 on, the central and local consistories sought the government's permission and help in organizing such schools, but in vain. The first Jewish public schools were opened only in 1819, and from then on modern Jewish education, general and vocational, became the most important communal activity of French Jews. The establishment of such schools also became a part of all their projects on behalf of Jews abroad. The first efforts of the French Jews in the eighteen-thirties and eighteen-forties to emancipate the Jews of Algeria were directed toward setting up schools. The commission to prepare a draft of a statute for the Algerian Jews, appointed on February 17, 1843, by the Ministry of War, advocated government financing and construction of modern schools with a combined secular and religious curriculum stressing

the teaching of the French language. Adolphe Crémieux, a member of this commission, told how he, together with Moses Montefiore and Salomon Munk, helped to organize Jewish schools in Egypt during his visit there in connection with the Damascus blood-accusation. In 1847 Ad. Guéroult, a Saint-Simonian and French consul, wrote to the French government and to some of his Jewish friends that a vocational school should be opened for the Jews of Moldavia. He also stressed that the teaching of French should be basic in the curriculum of such a school. However, his project was not realized. Later Albert Cohn helped to open schools in Palestine and other countries.[1]

It was therefore only natural that soon after its creation in 1860 the Alliance Israélite Universelle should accord a major role to the organization of schools in its program of "intellectual and moral regeneration," referred to in the Alliance's first appeal in May, 1860. The first school founded by the Alliance was in Tetuan (Morocco), the initial idea for it having come from a British Jew. James Picciotto of the Board of Deputies of British Jews, who had visited Morocco in behalf of the Morocco Relief Fund, in a letter dated June 12, 1861, addressed to Narcisse Leven of the Alliance, proposed the establishment of a school as the best way to help the Jews of that country. The school was made possible by monetary contributions from English Jews and from the Tetuan Jewish community.

This was the beginning of an extensive network of Alliance schools. From 1861 to 1870 the Alliance founded 14 schools; from 1870 to 1880, 29 schools; from 1880 to

The following abbreviations are used in the text and the notes:

AIU = Archives of the Alliance, Paris.
AJA = Anglo-Jewish Association.
Alliance = Alliance Israélite Universelle.
Hilfsverein = Hilfsverein der deutschen Juden.
JCA = Jewish Colonization Association.

[1] S. Posener, "Etablissement des écoles israélites sous l'Empire et la Restauration," *Univers israélite,* LXXXIV (1927), Nos. 46-48; Z. Szajkowski, "The Struggle for Jewish Emancipation in Algeria after the French Occupation," *Historia Judaica,* XVIII (1956), 31-32; A. Guéroult, in *L'Opinion nationale,* July 14, 1860; Isidore Loeb, *Albert Cohn* (Paris, 1878), pp. 65-114.

1890, 11 schools; from 1890 to 1920, 116 schools; a total of 170 schools between 1861 and 1920, not including many special schools, *e.g.*, evening and Sunday classes. In 1920, 122 Alliance schools were in operation; in 1947, there were 116 schools with 40,955 pupils in eleven countries. In 1955 the Alliance maintained 133 schools with 50,463 pupils (of these, 82 schools with 31,563 pupils were located in Morocco and Tangier). The importance of the Alliance schools for a single community is illustrated by the following data: in 1905 there were about 15,000 Jewish children of school age in Salonica, of whom 9,425 attended school; of these, 2,200 were pupils at the Alliance schools, 4,000 at 53 *hedarim,* 1,500 at two *Talmud Toras,* 1,000 at five other Jewish schools, and 725 (including former pupils of Alliance schools) at four Protestant, Italian Catholic, and other non-Jewish schools.[2] There is no doubt that the Alliance raised the level of Jewish education in North Africa, the Near East, and the Balkan countries. In most of these places it was the first to introduce secular education, especially for girls. However, it is not the purpose of this essay to repeat the well-known facts of the Alliance's educational activities, but to discuss a few, not so well-known aspects of these activities.

II

The Alliance was, at its inception, a body for political action against the persecution of Jews, but soon its main efforts were channeled into educational activities. Out of a budget of 2,055,959 francs proposed for the year 1911, the sum of 1,772,000 francs was allocated for the maintenance of schools, and another 420,000 francs from the Alliance's capital was earmarked for the construction of school buildings. Théodore Reinach wrote in 1914 that the Alliance was "essentially an action of elevated charity and

[2] N. Leven, *Cinquante ans d'histoire,* II (Paris, 1920), 12-14, 37; *Les Cahiers de l'Alliance israélite universelle,* No. 11 (Dec. 1946-Jan. 1947), No. 92 (Sept.-Oct. 1955); S. Bénédict's report of May, 1905, on the Salonica schools, p. 24 (AIU, not catalogued).

education."[3] Many Jewish leaders outside France disapproved of this emphasis.[4]

The educational policy of the Alliance was colored by the general outlook of this organization: it had a limited goal of "emancipation," which stressed the civil and cultural rights of Jews as individuals, but it refused to recognize broader ideas of a Jewish nationalist character. Thus, education was viewed as a better course of action than emigration, the establishment of a Jewish State in Palestine, etc. In 1866, for example, the Jews of Shabatz, Serbia, who wished to emigrate to Palestine, sought the Alliance's help. On November 29, 1866, at a meeting of the Alliance's central committee, Narcisse Leven stated that the proper way to help these Jews would be to change conditions in Serbia itself through grants to education, to give them "teachers, schools and books."[5]

In time this policy detracted from the Alliance's prestige even among its friends. Thus in 1900, during the Rumanian "exodus," leading British Jews demanded that the Jewish Colonization Association (JCA) divest the Alliance of its control of emigration policies. On November 13, 1900, Claude G. Montefiore and Alfred L. Cohen stated in a letter addressed to the JCA: "After all, school-mastering is one thing; the organization of emigration is quite another." For the opponents of the Alliance this was another banner under which to fight the aims and methods of the Alliance. In 1920 a Zionist leader from France wrote that the Alliance had become "nothing more than a mere—

[3] AIU, minutes, Jan. 4, 1911; T. Reinach, *Histoire des Israélites* (Paris, 1914), p. 362.

[4] *Ost und West*, X (1910), 827-30.

[5] *Report of the Universal Israelite Alliance*, 2nd half-year, 1866, pp. 12-13. In any case, the Alliance schools became a factor in pushing toward emigration. A very large number of former pupils of the Alliance schools, looking for better ways of life, left their countries. An alumni society of the Alliance schools was formed in New York. In 1922, the Alliance gained in Paris alone nearly 600 new members among former pupils of her schools who had immigrated; Z. Szajkowski, "The Alliance Israélite Universelle in the United States, 1860-1949," *Publications of the American Jewish Historical Society*, XXXIV (1950), 440-41; AIU, minutes, Oct. 25, 1922.

and bad—schooling administration, and her Jewish role is finished."[6]

III

The Alliance was constantly attacked by its opponents, mostly German Jews and Zionists, for using its schools to diffuse the French language, French culture, and French influence. In 1910, on the occasion of its fiftieth anniversary, the *Jüdische Rundschau* asserted that the Alliance was an agency of the French Ministry of Foreign Affairs. German Jews, who formed a large part of the Alliance's membership, often requested that the German language be used in the Alliance schools in Constantinople. Rabbi Dr. J. Loeb of Emden, an old friend of the Alliance, favored the Hilfsverein der deutschen Juden (Hilfsverein), founded in 1901 in spite of the opposition of the Alliance, because German was not included in the curriculum of the Alliance schools.

The Jewish press of Germany called on the German Alliance leaders to organize their own schools in Palestine.[7] German activists of the Alliance requested that the German language be included in the curriculum of the Alliance's teachers seminary (*Ecole normale*) in Paris and that teachers for the schools of the Alliance be educated also in Germany.[8] The non-Jewish German press, looking for an occasion to attack France, called on German Jews to fight for the introduction of German in Alliance schools. German newspapers asserted that the French government financed Alliance schools in order to promote French influence. The German press of Morocco and of Germany itself contended

[6] Z. Szajkowski, "Jewish Emigration Policy in the Period of the Rumania 'Exodus' 1899-1903," *Jewish Social Studies,* XIII (1951), 62; H. Cherchevsky, *Alliance israélite, il faut mourir,* Extrait de "La Voix Juive" (Tunis-Finzi, 1920), pp. 15-16.

[7] AIU, Corresp., file 58; *Jüdische Rundschau,* No. 43 (1906), pp. 639-40; *Jüdische Rundschau,* Nov. 11, Dec. 2 and 18, 1910; *Berliner Tageblatt,* July 6, 1901. See also *Frankfurter Israelitisches Familienblatt,* Dec. 29, 1907; *Freie Organisation der Alliance Israélite Universelle* (Berlin, 1916), pp. 9-14.

[8] AIU, Corresp. file 621 (Solomon Reinach's letter from Berlin, dated July 7, 1910).

that "German money should not be given away for anti-German purposes," *i.e.*, that German Jews should not help finance Alliance schools.

The conflict over languages in the Alliance schools was heightened in 1906-1910, during the Franco-German crisis over Morocco. The Deutsche Conferenz-Gemeinschaft (founded on February 13, 1906, by German members of the Alliance), then urged that German should be made an official language of Alliance schools in Morocco. This propaganda continued during World War I, when the press of Germany and the United States widely publicized a false rumor that the Alliance had turned its schools over to the French government.[9]

One of the many reasons for the Alliance's opposition to the Hilfsverein was that with their own independent organization "the German Jews [will introduce] the German language and German culture to Jews in Palestine and other countries."[10] There is no doubt that the German Jews, who wished to play their part as German citizens, wanted to inculcate pro-German attitudes in the students in Jewish schools. The founders of the Hilfsverein did not conceal these intentions; indeed, they stated them openly. In a circular of May 21, 1901, they declared that in order to promote German influence and commerce they would encourage the use of the German language among the Jews of Eastern Europe and Asia. According to some sources, Dr. Paul Nathan, the founder of the Hilfsverein, was promised the protection and help of the German Ministry of Foreign Affairs.[11]

The Zionists, who always fought the Alliance schools,

[9] *Deutsche Levante-Zeitung*, No. 9 (1916), pp. 347-49; *Reichspost* (Vienna), Feb. 9, 1916; *Neue jüdische Monatshefte*, I 20 (1917), 595; *American Jewish Chronicle*, March 24 and May 26, 1917; Z. Szajkowski, "Conflicts in the Alliance . . .," *Jewish Social Studies*, XIX (1957), 47.

[10] AIU, Corresp., file 395.

[11] *Erster Geschäftsbericht* (1901-1902) *des Hilfsvereins der deutschen Juden* . . . (Berlin, 1903), p. 6 (declaration of May 21, 1901); S. Dubnow, *Weltgeschichte des jüdischen Volkes*, X (Berlin, 1922), 488; Ernest Feder, "Paul Nathan and the Work for East European and Palestinian Jewry," *Historia Judaica*, XIV (1952), 9.

were much more favorably disposed toward the schools of the Hilfsverein. In 1905, M. Ussischkin wrote that German in the Palestinian schools was less dangerous to the Jewish spirit than French. He probably felt that the influence of Yiddish in the Palestinian schools was a basic defense against any anti-Jewish effects from the use of German. On the eve of World War I a sharp conflict arose because of the Hilfsverein's strong emphasis on the German language. The Zionists called a strike against the schools of the Hilfsverein in Jaffa and Jerusalem. Even so, on Paul Nathan's death the Zionist Executive eulogized the deceased for having been the first to establish kindergartens in Palestine and for having helped to revive the Hebrew language.[12]

The Hilfsverein had fewer schools than the Alliance, for it had come into being over forty years after the founding of the Alliance, and its income was limited to contributions from German Jews, while the Alliance collected funds from all over the world. In 1914 the Hilfsverein had fifty schools with over 7,000 pupils in Palestine and the Balkan countries. These schools often reached groups of Jewish children outside the Alliance's field of activity, *e.g.*, the Ashkenazic, Yiddish-speaking children of Turkey. Even though the Hilfsverein's activities were greatly reduced after World War I, in 1931 it still financed five summer camps and a few schools in Poland, eleven schools in Rumania, etc.[13]

German Jews were by no means the only critics of the Alliance's educational activities. In 1909, the New York Yiddish newspaper *Wahrheit,* which urged that Hebrew

12 "Doch schadet dem jüdischen Geiste das Deutsche nicht so sehr wie das Französische": M. Ussischkin, *Die Erziehung in Erez Israel* (Würzburg, 1905), p. 101 (reprinted from *Die Stimme der Wahrheit*); Feder, *op. cit.*, pp. 20-21; Ephraim Cohn Reiss, *Me-Zichronot Isch Jeruschalaim,* II (Tel-Aviv, 1936), 331-33; *Die Welt,* No. 46, Nov. 14, 1913; *Sprachenkampf in Palestina,* Sonderabdrücke aus der Welt, Jan. 1914, p. 331; *Neue National-Zeitung,* Dec. 26, 1913; *Frankfurter Zeitung,* Apr. 29, 1913, and Feb. 4, 11, 1914; *Die Grenzboten,* Feb. 18, 1914; Israel Cohen, *The German Attack on the Hebrew Schools in Palestine* (London, 1918), p. 18.

13 *Erster Geschäftsbericht . . .*, p. 27; *Bericht über die Arbeit des Hilfsvereins . . .* (Berlin, 1932), 31 pp.

be taught in the Alliance schools, asserted that the Alliance was "morally bankrupt." Some years before, in 1902, the following critique of the Alliance's schools in Palestine and its representative there appeared in the *Jewish Comment*: "The policy of the Alliance, which made it a patriotic French, no less than a Jewish organization, was faithfully carried out by M. Antébi, and if he estranged many Jewish people in Palestine, he had the satisfaction of knowing that French civilization was reflected in the cultural wastes of the East, . . . there is a statement to the effect that the Alliance is withdrawing from Palestine to concentrate in Morocco, owing to the decline of its schools in the Holy Land. Thus the Alliance follows the French flag." Joseph Gedelecia, a New York Jew who had emigrated from Turkey, stated in May, 1914, at a conference of Jewish charities: "They teach French and revere French culture and government and do not teach the language of the country, or even Hebrew. . . . And what do we gain by it as Jews, or as Turks?" The *American Jewish Chronicle* commented in 1917: "We are not only afraid of the possibility that there will grow up a generation of Jews in northern Africa that is totally ignorant of Judaism, but we have ample reason to fear that this generation, brought up on secular French culture at second hand will resemble only too much the products of pseudo-French education of many Levantine Jews."[14]

IV

What defense did the Alliance and its friends offer for the strongly predominant French influence in its schools?

Writing in 1914, Théodore Reinach referred to the Alliance's role "in diffusing the use of the French language and appreciation of our [French] civilization." The historian S. Posener commented on the important role of the Alliance schools as an instrument for introducing French

[14] *Wahrheit*, July 19, 1909; *Jewish Comment*, Aug. 30, 1912; *Jewish Charities*, IV, No. 11 (1914), 30; *American Jewish Chronicle*, March 24, 1917.

influence into the Near East. According to him, Adolphe Crémieux recognized the possibility of using pupils of the Alliance schools to promote France's interests, and it was in part thanks to Crémieux that this policy was realized. Narcisse Leven, the secretary general and official historian of the Alliance, reported that in the beginning the Alliance was conceived as a universal Jewish organization with schools that would not be exclusively French. However, it even then looked upon the French language as a means of disseminating the spirit of the country that had done more than any other for the cause of liberty and the conscience. In July, 1922, the Alliance participated in the Marseilles congress of the *Alliance Française,* an organization devoted to propagating the French language and culture. The central committee of the Alliance stated in the 1938 report of its activities that only the French language could be used as the "admirable vehicle" for the moral emancipation of Jews; and that "the French character of the Alliance schools is an essential element of our educational system." In a report on its trade schools in Morocco, dated May 21, 1939, Raoul Montefiore of the Alliance stated: "When the Frenchmen arrived in Morocco, they were glad to find there a Jewish population speaking their language and educated by us. The first [French] installations needed many employees which only the Jewish population could supply." As late as November 11, 1945, the Alliance recognized the special role of the French language in its schools.[15]

French officials gladly accepted the support they received from the Alliance. One French Oriental newspaper commented in 1887: "Through its schools the Alliance greatly helps to spread the French language and French culture, and love for France." A similar statement appeared in a newspaper in 1906: "The enormous services rendered by the Alliance to French education in the Orient . . . are

[15] T. Reinach, *op. cit.,* p. 363; S. Posener, *Adolphe Crémieux,* II (Paris, 1933), 154; Leven, *op. cit.,* II, 10; AIU: minutes of Oct. 25, 1922; annual report for 1938, pp. 14, 20-21; and R. Montefiore's report (not catalogued); the Alliance's "Déclaration" of Nov. 11, 1945, p. 1 (mimeographed).

well known." According to a detailed report by Alfred Berl of the Alliance, who visited Rumania in December, 1902, the French Ambassador there, Arséne Henry, declared that France would be more active in the defense of Rumanian Jews if, through education in the French language in schools of the Alliance, they would accept the cultural and economic influence of France and break away from the influence of Germany. The French colonists of North Africa were strongly opposed to independent schools for the Arab population, *e.g.*, an agricultural school in Tunis. However, the same colonists were in favor of the Alliance schools.[16]

Did the French government give financial help to the schools of the Alliance? In 1884, Professor Heinrich Graetz contended that since Tunisia was virtually a French province, expenses for Jewish schools there should be borne, not by Alliance members of other countries, but by the French government.[17] However, it is the conviction of this author, who had access to the financial records of the Alliance before they were destroyed during World War II, that this never took place. If the Alliance did receive funds from the French government for its schools, they were of minor importance. The diffusion of French influence was a contribution of the Jews without charge or insistent demands for compensation.

V

According to some sources, in 1867-1886 the Alliance school of Gibraltar was not regarded with favor by the Anglo-Jewish Association (AJA). Much later, on July 25, 1911, Claude Joseph Goldsmid Montefiore of London, President of the AJA, wrote: "The Alliance has always seemed to me a French institution, and I have long thought that

[16] *Courrier d'Orient,* Oct. 28, 1887; *Stamboul,* Dec. 8, 1906; Alfred Berl, "Notes sur mon voyage en Roumanie," December 5-23, 1902 (AIU, Corresp., file 93); *La Tunisie française,* Nov. 23, 1901; *La Dépêche tunisienne,* Oct. 4, 1910.

[17] AIU, Corresp., file 79.

if it were exclusively governed by Frenchmen, as the AJA is exclusively governed by Englishmen, and as the Hilfsverein der deutschen Juden is exclusively governed by Germans, it would be far less likely to produce troubles and inconveniences. . . ."[18] But in public, the problem of selecting the languages to be taught in Alliance schools was always settled amicably between the organization and the British Jews. In 1883, French was obligatory in the Alliance schools of Tangier; English was only optional. The opposite situation prevailed in the schools of Sofia, because there the Alliance schools existed with the financial help of the AJA. In 1893, the Alliance agreed that English should be the main language in its Baghdad school. The AJA financed the teaching of English in the Alliance school at Bahnorah.[19]

Each of the major Jewish organizations, the French Alliance, the German Hilfsverein, and the British AJA, "has worked along lines conditioned not so much by any specifically Jewish aims, as by the outlook which its leaders derived from being themselves assimilated to the culture of this or that European country."[20] On June 23, 1901, Jacob Schiff suggested that all subjects offered in the schools of the Alliance, the Hilfsverein, and AJA should be taught in the languages of the countries where the schools were located and not in the language of the parent organization. He further proposed that as a second language Hebrew should be preferred over French, German, or English. Nissim Béhar, the Alliance's representative in the United States, whose views were often independent, insisted that English should be preferred over French as the major language in countries from which Jews were compelled to emigrate and that Hebrew should take precedence over French as a second language.[21] However, no policy along these lines was ever established.

[18] AIU, Corresp. on schools, file XXI, Gibraltar; file on the elections of 1911 (not catalogued).

[19] AIU, copies of letters, Vol. 117, fol. 23 (1883); Corresp., files 355-56.

[20] Leon Simon, *Hebrew Education in Palestine* (London, 1916), p. 6.

[21] AIU, Corresp., file 399 (Béhar's letters of Jan. 16, 1901).

The attitude of the Alliance toward Zionism and toward emigration to Palestine in the earlier period is not within the scope of the present study. However, it must be emphasized that the setting up of schools in Palestine did not indicate support for the establishment of a large Jewish community or—in later years—of a Jewish state. As the Alliance stated in its report of August, 1878, it was just another form of help given to poor children who already lived there and who would either remain there or emigrate. For the Alliance, which was always careful not to favor emigration openly, this was a clear expression of policy in Palestine. This encouragement to former pupils of the Alliance to emigrate from Palestine was often strongly criticized.[22] In some communities, as in Bulgaria in 1899, the Zionists succeeded in taking away from the Alliance direction of the schools.[23]

VI

At the beginning of the Alliance's existence, Orthodox Jewish leaders believed that the newly founded organization would bring assimilated French Jews closer to their observant brethren. Within a short time, however, Rabbi Salomon Wolf Klein of Colmar was claiming that the teachers who taught French in the Alliance schools were spreading Reform propaganda.[24] There is no doubt that the Alliance consistently shared the outlook of the *maskilim*. In fact, through its schools it introduced the *haskala* into Jewish communities in backward countries. However, the Alliance avoided offering a clear-cut public challenge to Orthodox Jews. Thus, in 1870-1871, it refused to cooperate openly

[22] Alliance israélite universelle, *Réunion du mois d'août* 1878. *Rapport de la troisième section, oeuvres de la Palestine* (n.p., n.d.), 1 p. ("à leur établissement ou à leur èmigration"); *Wahrheit,* July 19, 1909; *Morning Journal,* Nov. 25, 1909, and June 2, 1910; Norman Bentwich, *Jewish Schools in Palestine* (New York, 1912), p. 6.

[23] A hectographed letter from the Alliance to Pressiado Romano of the Alliance School in Philippopolis, Feb. 17, 1899 (in the Archives of the Historical Society of Israel, Jerusalem).

[24] Jacob Halevi Lifshitz, *Zikron Yaakob,* II (Kowno, 1927), 14-15; AIU, Corresp., file 88 (a letter from Jac. S. Eisenmann, an orthodox leader of Antwerp, to Rabbi A. Block on Klein, Dec. 25, 1905).

with the suggestion of the *maskil* Hillel Nusbaum that a modern rabbinical school be established in Warsaw; but privately it encouraged him and helped him publicize his plan in the French press.[25] Rabbis often opposed the curriculum of Alliance schools, as in the case of Tiberias in 1894, where the stand of the local rabbinate against secular subjects led the Alliance to abandon, for the time being, the project of a school.[26] In the eighteen-nineties the Alliance undertook, with some success, to educate modern rabbis for the African and Asian communities, extending financial help to local rabbinical schools and training a few native students in the rabbinical school in Paris.[27]

Attacks on the broad secularization of the curriculum of Alliance schools continued into the twentieth century. The Jewish Charities Conference, held during May, 1914, in Memphis, Tennessee, rejected a proposal that the Alliance be given the task of educating Sephardic immigrants in the United States. Rabbi David de Sola Pool there stated: "The heads of the Alliance are men of the stamp of the Reinach brothers, cultured men with a definitely anti-religious attitude. The purpose of the Alliance under their leadership has been to spread French influence, French opinions, French culture, French business interests—everything French and nothing Jewish." On the other hand, some Reform Jews in the United States contended that the Alliance was too tolerant of "rabbinical obscurantism."[28]

The role of Hebrew in the curriculum was involved in the conflicts between the Alliance and two of its opponents, the Zionists and the strictly Orthodox Jews, *e.g.*, in 1873 in Smyrna.[29] The Alliance also rejected a suggestion of Tunisian Jewish leaders in 1901 that Hebrew be omitted from the curriculum. On this occasion it declared that while Alliance schools were secular, the principles of religion had to be

25 AIU, Corresp., file 600 (21).
26 AIU, minutes, Nov. 21, 1894.
27 *Ibid.*, Nov. 18, 1896, Nov. 17, 1897; Leven, *op. cit.*, II, 43.
28 *Jewish Charities*, IV, No. 11 (1914), pp. 30-31; Szajkowski, "The Alliance . . . in the United States," *op. cit.*, p. 394.
29 AIU, minutes, Feb. 15, 1899.

taught in Hebrew.[30] But the Alliance's efforts to teach Hebrew were largely ineffective because most of its Hebrew teachers were local rabbis without knowledge of the language and lacked modern pedagogical experience. Reporting in May, 1905, on the poor knowledge of Hebrew of pupils in the Alliance schools in Salonica, S. Bénédict proposed replacement of the rabbis by modern teachers. In 1909, after inspecting twenty-three Alliance schools for boys and twelve for girls in the Near East, Rabbi Dr. Nathan Porges of Leipzig stated in his report that although religion and Hebrew were taught in Alliance schools, a fact not generally believed, as long as rabbis were the teachers, instruction in Hebrew would suffer. In view of his later opposition to the Paris leadership of the Alliance—he stated in 1911: "We Germans demand one-third of the central committee" —Rabbi Porges' opinion must be considered objective. In 1914, at the charity conference mentioned above, Albert J. Amateau of New York stated: ". . . the Alliance went round the city and hunted up all the most shabby-looking rabbis, men who knew as much Hebrew as a foreign priest, or less, and put such men at that to teach the children." As late as 1936 Hebrew and religion were taught in Alliance schools in Morocco by rabbis without any teaching experience or even any knowledge of Hebrew at all. The following situation was described by M. Danon: "Often a merchant is forced to abandon his business. He spends his days in the synagogue. You can see him everywhere, at marriage ceremonies, circumcisions, funerals. Sometimes he is paid for participating in a *minyan*. Pressure by the community is exerted upon the Alliance to employ this ignorant former merchant as a teacher of Hebrew. With such a teacher the hour of learning Hebrew becomes for the pupils an hour of fatigue duty."[31]

To keep the schools going hundreds of problems had to

[30] *Bulletin mensuel*, No. 10 (Dec. 1873), pp. 9-10; AIU, Corresp. on schools, Tunisia, 1901.

[31] AIU, S. Bénédict's report of 1905 (not catalogued); Rabbiner Dr. N. Porges, *Bericht . . . Inspektionsreise zu den Alliance-Schulen im Orient* (Berlin,

be solved, not the smallest of which arose because of local communal conflicts and jealousies. To cite one case: Evening and Sunday classes for religious and vocational instruction had been founded by the Alliance in Algeria. The local manufacturers, fearing competition, discussed the vocational school issue with the leaders of the labor unions, with the result that the Constantine unions published a resolution against the exploitation of children in the Alliance school. However, on January 14, 1913, a special investigating commission of the labor unions published a leaflet praising these schools.[32]

VII

For a long time, one of the major concerns of the Alliance and other large Jewish organizations was the condition of East European Jewry. These organizations did not regard emigration as the only possible solution for the problems of East European Jews; they stressed political intervention, internal resettlement, education, and waiting for better times. In the field of education the Alliance did nothing for East Europe. The Jewish author Alexandre Weill wrote that the Alliance founded schools in far-away countries, forgetting that one Polish Jew honored Judaism more than atheistic army officers, professors, and all the other professional intellectuals.[33]

The "Alliance Polonaise de Toutes les Croyances," a patriotic organization of Poles and Jews founded in Paris in 1862, including among its members some of the leading French Jews, advocated the establishment, with the help of Jews of Western Europe, of Polish-speaking schools as the best way to emancipate the Polish Jews. In 1863 several appeals were made directly to the Alliance, which rejected them on the ground that it could not interefere in "political questions." This rejection was characteristic of the

1909), pp. 12-15; *Briefwechsel in Angelegenheit der Wahlen zum Central-Comité der AIU* (n.p., 1911), p. 6; *Jewish Charities*, IV, No. 11 (1914), p. 30; "Rapport sur l'Enseignement religieux. Février 1936" (AIU, not catalogued).

[32] *Bulletin des écoles de l'Alliance israélite*, No. 33 (1913), pp. 71-73.

[33] A. Weill, *Alsacien et Sémite* (Paris, 1895), p. 17.

attitude of the Alliance toward the Polish-Jewish problem and toward the Jewish position in the struggle for the independence of Poland. In 1864, when Israel Michael Rabbinowicz asked the Alliance to take a closer interest in the situation of Polish Jewry, to establish secular schools in Poland, and to set up a special committee for this purpose, as was done for the Jews in North Africa, the suggestion fell on deaf ears.[34]

In 1873, the Committee to help Jewish Emigrants from Russia (*Haupt-Grenz-Comité*) of Königsberg (East Prussia) and other German emigration committees called on the Alliance to concern itself more with the education of Russian Jewish children than with the establishment of schools in Africa and Near Eastern countries.[35] This request foreshadowed the later struggle between the French and German leaders of the Alliance. French influence would have been limited in schools in Russia and Poland, since the German Jews were nearer to the scene and thus able to direct the activities of such schools. A conference on the Jewish emigration problem held in 1874 in Berlin decided to discourage emigration and to extend greater effort in improving education in Russia. In the same year the Alliance tried to do something along this line, under the impetus of the movement for a Franco-Russian rapprochement. Accordingly, it asked Eliyahu Harkavy of St. Petersburg to name a competent director for a school project, and Harkavy recommended Zelig Slonimsky or another candidate to be sought in Vilna. The plan was never realized, however, because Russia was opposed to any Alliance activities.[36] On July 31, 1882, Charles Netter wrote to the Marseilles committee on behalf of Russian Jews that the best way to help the Russian Jews was to help the children: ". . . to expend as little as we can on the parents . . . two million francs invested in a fund whose interest would be used for the education of a few hundred boys and girls would

[34] *Archives israélites*, XXIII (1862), 85; XXV (1864), 703-08.
[35] *Bulletin*, 2me sem. (1873), pp. 83-89.
[36] AIU, Corresp., file 477 (129).

have a major impact on the future of the Jews in Russia."[37]

The public did not know the details of the Alliance's activities. Thus, on March 4, 1883, Rabbi Henry Schuhl wrote from a Texas town that he had succeeded in founding an Alliance "organization to raise small sums of money to be used by your schools in Eastern Europe."[38] On the other hand, it must be said that to some extent the absence of Alliance activities in Eastern Europe was a reflection of Russia's hostility toward such activities anywhere in its jurisdiction.

In 1887-1889, Baron Maurice de Hirsch discussed with the Russian government his project for the establishment of schools with a personal contribution of fifty million francs. Earlier he had considered helping Russian Jews by financing emigration. However, certain patriotic Jewish leaders in Russia protested against this plan and suggested as an alternative the setting up of schools, thus improving the status of the Jews within Russia itself. The leaders of the Alliance also tried to influence Hirsch in this direction. Léonce Lehman, a well-known French lawyer and for twenty-four years a leading member of the Alliance's central committee, was sent by Hirsch to discuss his project with the Russian government. The project failed, and Hirsch used his money to organize the JCA.[39] In any case, the East European Jews were able to organize their own widespread network of schools.

Impressed with the high administrative standards of the Alliance schools, Baron de Hirsch contributed one million francs for its schools in the Turkish Empire.[40] Although he distrusted the organization's eagerness to use the schools for French political ends, he nevertheless requested it, on November 20, 1894, to take over the direction of the schools in JCA colonies in Argentina. Earlier that year, on June

[37] Z. Szajkowski, "How the Mass Migration to America Began," *Jewish Social Studies*, IV (1942), 307.

[38] AIU, Corresp., file 206.

[39] Z. Szajkowski, "The Baron Hirsch's Attempts in Favor of Russian Jews . . .," *Davke* (Buenos-Aires), II, No. 8 (1951), 401-16 (in Yiddish).

[40] Leven, *op. cit.*, II, 23-24.

23, 1894, Hirsch had warned the JCA that not French but Spanish and Hebrew should be taught in these schools: Spanish for practical reasons and Hebrew for religious reasons. Possibly as a result of this stand the Alliance sent directors and teachers to the schools in Argentina but did not take over their direction from the hands of the JCA. These directors and teachers had encountered a different type of Jew in colonial and other backward countries where they had previously worked, and they viewed the proud and independent Jewish emigrants from Russia, whom they met in Argentina, as stubborn fanatics, while the Russian Jews in that country looked upon the Alliance men as strangers and unfriendly officials who were Jews in name only.[41]

VIII

Related problems, likewise difficult to solve to everyone's satisfaction, were the teaching of local languages and the attitude of the local authorities toward the Alliance schools. In 1876, the Alliance asked the directors of its schools in Turkey to seek government employment for graduates and, to this end, to teach their pupils the Turkish language. In 1912, however, with the advent of the new regime, the Alliance acknowledged that the goal of instruction in Turkish had not been achieved. Parents complained that because of this language difficulty some professions were not accessible to their children. On December 15, 1926, the leaders of the Alliance school in Baghdad requested *instruction semi-occidentale* in order to prepare the children for commercial instead of government positions. They also complained that the Alliance's program reflected mainly West European influences; in the schools of AJA, on the other hand, consideration was given to local Arabic influences.[42]

In the nineteen-twenties and nineteen-thirties the Turkish government permitted the teaching of French in

[41] Z. Szajkowski, "The Beginning of Jewish Colonization in Argentina," *Argentiner Yivo Schriften*, XII (1957), 31-33 (in Yiddish).

[42] A printed circular of March 5, 1876, signed by Isidore Loeb (AIU); *Bulletin des écoles de l'Alliance israélite*, No. 28 (1912), p. 295; AIU, Corresp., Schools, I, Bagdad.

the Alliance schools in Turkey only in the higher grades. This was possibly not only an act of national pride, but also an anti-Jewish act aimed at restricting the education of the Jews. In Turkey, Greece, and other countries where the governments acted against foreign schools, the Alliance saved some of its institutions by transforming them into local public schools, which continued under its control through its directors, who remained at their posts.[43]

In Morocco, where the Alliance did so much pioneer work in the interests of France, the first blows against its schools came from the officials of the French protectorate, who were well-established and who preferred to settle all Jewish questions directly with the local Jewish communities, without interference from Paris. An Alliance report of 1920 states that these officials tried "to tear away our schools from us, one by one; to replace us in educating the Jewish population. We have already been forced to give up to them many of our institutions and we are negotiating with General Lyautey in order to find a solution to this irritating question. . . . To some of us this substitution seems to be a logical consequence of the establishment of the French protectorate. This is, however, regrettable." In 1921, lack of funds lost the Alliance some of its schools in Morocco. It then made known to the Director of Public Education in Morocco "our intention not to let ourselves undergo new amputations." In May, 1939, a high official in Morocco stated to Raoul Montefiore of the Alliance that within twenty or thirty years all Alliance schools would be taken over by the government and the Alliance would have to restrict its educational activities to strictly religious matters.[44]

Because of the lack of enlightened local teachers the Alliance at first recruited some Jewish teachers from Alsace and the neighboring departments. Later, the Alliance decided to establish a teachers seminary (*Ecole normale*) in Paris which opened in 1867. Such a large Jewish edu-

[43] AIU, minutes, Dec. 11, 1935, p. 11, and Dec. 1, 1937, p. 19; annual report for 1938, p. 15.

[44] AIU, minutes, June 27, 1920, Nov. 2, 1921, p. 26; R. Montefiore's report of May 21, 1939 (not catalogued).

cational institution needed guiding pedagogical principles. The Alliance published many pedagogical circulars and even a few periodicals. However, everything was based upon, and even copied from, French pedagogical handbooks and periodicals. The Zionist leader M. Ussischkin ridiculed the use of sentences about drunkenness as a drill in teaching the French language in Palestine.[45] But the Alliance never tried to learn anything from the large resources of pedagogical theory employed by the Jewish schools in Poland and other countries.

Yet, despite many mistakes and shortcomings, Alliance teachers and directors of schools did a splendid job in educating many generations of Jews in backward countries. The director or teacher of an Alliance school, often of European origin and education, was more than a teacher to the children; he was the representative of the Alliance, the man who sent reports on local persecutions and misery, and he soon became a leading figure in the Jewish community.

The real heroes of the Alliance schools were the teachers, who always worked hard and were never paid enough. In the 1906 report on Salonica schools by S. Bénédict, referred to above, he stated: "You can see a married teacher selling his kitchen stove in order to buy bread; you can see a poor teacher of sewing in the school of Calamaria seized in class by a policeman because she could not repay a usurer in time a debt of a few Turkish pounds. You can see a teacher who sent his wife back to her family because he could not buy enough food for both of them."[46]

In conclusion, the Alliance's educational activities were useful, but no more so than similar activities of other Jewish organizations in other countries. The Alliance could have accomplished more in the field of exclusively Jewish education, but it was unwilling or unable to change its very limited general and educational program and subordinated its role as an educational organization to the propagation of French influence.

[45] Ussischkin, *op. cit.*, p. 101.
[46] AIU, S. Bénédict's report of Nov. 1906, p. 6 (not catalogued).

THE "NINETEEN LETTERS OF BEN UZIEL" — A HEGELIAN EXPOSITION

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I

THE QUEST FOR A SCIENTIFIC METHODOLOGY

THE *Neunzehn Briefe über Judentum* published by the twenty-eight-year-old Samson Raphael Hirsch in 1836* stirred up a great deal of comment and "produced the effect of a sensational occurrence upon the Jewish public."[1] The intellectual atmosphere of German Jewry at that time was neither conducive nor receptive to an exposition of traditional Judaism. The shattering impact of the Enlightenment had brought about the disenchantment of the younger generation with their ancestral faith. Judaism appeared to them incompatible with modern thought. Its literature, particularly the Talmud, was repugnant to their taste. Under the influence of Hirsch's *Nineteen Letters* interest in traditional Judaism was revived. Many of the intelligentsia, who had abandoned the Talmud as a body of lore that "perverts the mind and leads it astray into subtleties and the minutiae of petty distinctions" (NL 5), returned to it. With renewed determination they began "to pierce to its depth, acquire a philosophical knowledge thereof and . . . publicly demonstrate its truth and utility."[2] Hirsch's *Letters* captivated

* The quotations from Samson Raphael Hirsch's *Nineteen Letters of Ben Uziel* will appear in parenthesis within the text as NL accompanied by the number of the page according to the English translation of Bernard Drachman, New York, 1942.

[1] Philipp Bloch, "Memoir of Heinrich Graetz," in Graetz, *History of the Jews*, VI (Philadelphia, 1945), 12.

[2] *Ibid.*, p. 13.

young men of great intellect and scholarly attainment, like Heinrich Graetz, who found in them "a view of Judaism . . . never before heard or suspected."[3] Graetz devoured every word[4] and enthusiastically began to explore, in their light, the vast sea of the Talmud. He also implored the author of the "Divine Epistle," the "Ezra of our spiritual Galuth," to permit him and give him the opportunity to become his disciple.[5]

A superficial and uncritical reading of Hirsch's *Letters* fails to disclose the fresh view that seemed to have startled many men in his generation. Aside from the novelty of form, namely, the attempt to defend traditional Judaism and the meticulous observance of the law in a highly polished poetic German, there seems to be nothing new. Hirsch's insistence on the absolute authoritativeness and divinity of the Torah and his assertion that the Jews must "go back to the ancient fountains of Judaism, Bible, and Talmud . . . to obtain the concept of life out of Judaism and to comprehend Judaism as the law of life . . . to learn and to teach, to keep and to do" (NL 203) could have come from any traditionalist throughout the ages. Nor was there anything new in his symbolical interpretation of the commandments, only sketchily alluded to in the *Letters*. Ever since Philo,[6] and even prior to him, the precepts of the Torah had been subject to exegetical, allegorical, and hermeneutical elaborations. The talmudic, midrashic, rabbinic, and cabbalistic[7] literature is replete with the same and similar explanations. Hirsch's speculative etymology,[8] developed subsequently by him, could hardly have had a determining influence upon scholarly men versed in modern lexicography, philology, and comparative linguistics. For though speculative etymology

[3] *Ibid.*, p. 12.

[4] *Ibid.*

[5] Isaac Heinemann, "Samson Raphael Hirsch, the Formative Years of the Leader of Modern Orthodoxy," *Historia Judaica*, XIII (1951), 40.

[6] Salo W. Baron, *A Social and Religious History of the Jews*, I (Philadelphia, 1958), 199-207.

[7] Gershom G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1946), pp. 25-32.

[8] Isaac Heinemann, *Ta'amei Hamitzvoth*, II (Jerusalem, 1956), 109-111.

was in vogue in some circles during Hirsch's time, it was not taken seriously by scholars.

The *Nineteen Letters of Ben Uziel* must, nevertheless, have contained something unusual in its approach to traditional Judaism, which fascinated Heinrich Graetz,[9] "electrified" Kaufmann Kohler,[10] and compelled Abraham Geiger to publish two comprehensive reviews in the *Wissenschaftliche Zeitschrift für jüdische Theologie.*[11]

That there was something fresh and different in the exposition of Judaism in the *Letters of Ben Uziel* was not only sensed by the readers of the time but was stated by Hirsch himself. Thus, Hirsch maintains that he had entertained those new ideas "for a long time as my dearest treasure" (NL 210). There was, however, great hesitancy on his part as to the advisability of their publication. He was gravely concerned whether his new approach "will be acknowledged by all as truth or that I may deem it with certainty the pure gold of truth" (NL 210).

Hirsch seems to suggest that the views he expounded in the *Nineteen Letters* were not yet fully developed by him. While he realized that their implications might have far-reaching effects, they were neither adequately perfected nor thoroughly mastered. All he had were the rudiments of a new approach to Judaism that was promising. It had, however, still to be carefully explained, elaborated, and applied. "If I should only succeed in demonstrating that the matter has not been thoroughly investigated in all its aspects, that there is, perhaps, a way by means of which one should reach entirely different results than those hitherto attained, a view in the light of which everything would present an appearance quite different from that hitherto customary and usual . . . my reward would even then be greater than I have dared to hope" (NL 211-212).

[9] Bloch, p. 12.

[10] I. Grünfeld, "S. R. Hirsch—The Man and His Mission," in *Judaism Eternal,* I (London, 1956), p. xxxi.

[11] *Wissenschaftliche Zeitschrift für Judische Theologie,* II (1836), 351-359, 518-548.

It is clear that in 1836 Hirsch had only a glimmering of a new approach or a bare outline of a new method "concerning Israel and Israel's duties—or rather concerning the duties alone, for my thoughts on Israel are still only a project of my mind" (NL 212). As is evident from the preceding quotation, the new approach concerning Israel's Law was still in its embryonic state, whereas with respect to the people of Israel it had not even reached that stage.

Despite his hesitancy, reluctance, and "modest diffidence," Hirsch obeyed the call of an inner voice that said to him that "there is some truth in your views, some of that truth which, you think, must ultimately struggle forth into the light of victory; the way upon which you have begun to walk is perhaps only a by-path, but it leads in the right direction, and if one abler than you should begin to pursue it, the cause of truth would surely prevail" (NL 213).

In the *Nineteen Letters,* Hirsch speaks of "one dear friend" who assisted him "a little in the smaller, easier, and clearer part, and only one star" guided him "somewhat in the beginning" (NL 214). This may mean that he was introduced to this new approach, which had theretofore not been applied to Judaism, by a person whom he considered a friend of some scholastic attainment. Hirsch saw in this new approach great possibilities for the reconstruction and reinterpretation of the basic views of Judaism, the details of which he "evolved *almost alone* out of my inner consciousness" (NL 214).

Hirsch realized that the reconstruction of Judaism in the light of the new ideas he had acquired would be immensely difficult. It would not be easy to fit the enormous mass of the cumulative Jewish religious experience, literature, tradition, and ritual into a neatly constructed philosophic system. Such conformity was bound to produce hazardous strictures resulting in the discomfiture of Judaism or the inefficacy of the system. Hirsch admits that he met "at every step thorns and refuse [that] had to be removed, and I, with my limited powers, was called upon *alone* to take issue with the entire past and the entire present" (NL 214).

The task was gigantic and fearful, for the reconstruction of Judaism in the new light was fraught with the danger that it might contain numerous defects and the acceptance of "a thousand errors as truths" (NL 214). Hirsch was afraid that the failure of his new attempt to reinterpret traditional Judaism would give its opponents and critics an opportunity to gloat (NL 215), and the results of such an abortive effort might be devastating. Nevertheless, he remained determined to present his exposition, even though not fully analyzed or developed, because, as he says, he had "climbed *alone* to the height from which a *new view* displays itself to me" (NL 216). He knew that this new view was not yet perfect. He was cognizant of the fact that it was fragmentary. "I only wish to give what I have *until now* been able to gather together, *not as a perfect work,* but truly 'as essays'" (NL 216). Hirsch repeats this statement and underscores it in his Preface to the *Letters.* "I did not attempt in the sketches to map out for you an accurate design of the entire ground-plan and superstructure but only a general *outline* of the edifice of Judaism. I have only led you through one majestic nave of the edifice, from which you can form a partial conception of the imposing *whole*" (NL, Preface, xxxvi). Indeed, Hirsch knew that "the natural way would have been to have labored first only for the scientific evolvement, and whatever would have demonstrated in the battle of minds its truth and tenability would have been afterwards quietly transferred into the practice of life. That would have been the quieter, the surer, the pleasanter way" (NL 217).

The exigencies of life and the demands of time, however, required that he not delay. He therefore decided to state his new views and "later it would devolve upon the *men of science* to establish in *science* and as *science*[12] the

12 The term *Wissenschaft* harks back to Fichte's *Wissenschaftslehre* and subsequently became associated with that of Hegel. Its connotation is more akin to the concept of systematic knowledge than to present accepted usage, largely reserved for the natural sciences. Its applicability to Judaism dates back to 1821, when the term *Wissenschaft des Judentums* was employed in the circle of the Jewish Hegelians, who attempted a systematic study of the manifesta-

principles which he had actively defended in life" (NL 218). And so he published his letters, which were merely an outline of a system according to which either he or the "men of science" who would come subsequently, or both would establish and reinterpret Judaism in consonance with the principles he had laid down.

II

The Internal Principle and Organismic Comprehension

Considering the *Letters* primarily as methodological and as a rudimentary outline of a new approach, according to which Hirsch had "scientifically" attempted the reconstruction and reinterpretation of traditional Judaism, the question arises as to the nature of this methodology and approach. As has already been noted, Hirsch did not claim originality for his method, in which he was assisted by "one dear friend" and guided by "only one star" (NL 214). Who was the "dear friend" and the "star" directly responsible for having introduced Hirsch to this new approach is difficult to ascertain.[13] The approach itself, however, as employed by Hirsch, as well as some of its underlying philosophical principles seem to be remarkably familiar.

A critical analysis of the *Nineteen Letters,* in which Hirsch endeavors to probe traditional Judaism and justify its existence, continuity, applicability, and objectiveness in modern times, reveals a striking similarity to the basic ideas and method of Hegel. The latter died only five years prior to the publication of the *Letters* by Hirsch. Hegel's views at the time had reached the peak of popularity not

tions and the literary productions of the Jewish spirit. It was in this sense that the term *Wissenschaft* was employed by Leopold Zunz, Abraham Geiger, and others. Hirsch also used this term and called his system "wissenschaftlicher Aufbau des Judentums" (scientific upbuilding of Judaism).

[13] Heinemann, *Historia Judaica,* XIII, 30-31, considers this "star" to be the Haham Isaac Bernays.

only among non-Jews but also in Jewish circles,[14] and undoubtedly Hirsch was familiar with them.

The Hegelian influence becomes evident when Hirsch endeavors to explain the difference between his approach and the approach of other exponents of Judaism. He takes issue particularly with Maimonides "because he sought to reconcile Judaism with the difficulties which confronted it from *without* instead of developing it creatively from *within*" (NL 181). Maimonides did not view each precept in the light of the totality of the Torah; instead he tried to interpret it arbitrarily in the light of *a priori* concepts from the *outside.*

Similarly, Hirsch disapproves of Mendelssohn, who "did not build up Judaism as a *science from itself*" (NL 189). He insists that Judaism must be *organically* comprehended—"sich selbst begreifendes Judentum." No outside criterion or cleverly constructed hypothesis can be applied to Judaism; it must be comprehended from within, "aus sich selbst heraus."

Hirsch's differentiation between the negative investigation of Judaism from *without* and the positive one from *within* is akin to Hegel's distinction between comprehension of a thing *für uns* and *für sich.* In order to appreciate a point of view fully one cannot merely observe it externally, since the view as it appears to us (*für uns*) from the *outside* is meaningless. Only when we establish an intellectual sympathy by endeavoring to discover its *intrinsic* meaning (*für sich*) do we grasp its vital experience and inner nature.

By placing ourselves in the middle of the unfolding reality it is possible, according to Hegel, to discover its *inner spirit,* its inherent laws of growth, and its significance. Likewise, Hirsch maintains that any changes in Judaism effected from the outside will be of no avail since "the spirit, the *inner* harmonious life-principle, is lacking, and that you cannot supply through polishing the *outside* frame"

[14] Luitpold Wallach, "The Beginning of the Science of Judaism in the Nineteenth Century," *Historia Judaica,* VIII (1946), 33-60; Wallach, *Liberty and Letters: The Thought of Leopold Zunz* (London, 1959), pp. 5-32.

(NL 196-197). It is therefore imperative "to find the indwelling spirit" (NL 194) in the various laws. We have to go back to the original "sources of Judaism, to Bible, Talmud, and Midrash" (NL 197) and "to know Judaism *out of itself*, to learn from its utterances its *science* of life" (NL 197). Hirsch thus suggests that "the doctrine of God, world, man, Israel, and Torah should be drawn from the Bible, and should become an *idea*, or *system of ideas*, fully comprehended. In this spirit Talmud should be studied; in the Halachah only further elucidation and amplification of ideas already known from the Bible should be sought for; in the Aggadah only figuratively disguised manifestations of the same spirit" (NL 198). Hirsch apparently follows the theory of Johann Gottfried Herder[15] and August Boeckh[16] that the literature of a people reveals its fundamental characteristics, a view also accepted by Leopold Zunz and applied in the latter's studies of Jewish history and literature.[17]

The basic spirit of Judaism is contained potentially in the Bible and becomes actualized in the subsequent rabbinic literature; this is analogous to Hegel's contention on the actualization of the spirit in the history of the world. Says Hegel: "... World history is the exhibition of spirit striving to attain knowledge of its own nature. As the germ bears in itself the whole nature of the tree, the taste and shape of its fruit, so also the first traces of the Spirit virtually contain the whole of history."[18]

In characteristic Hegelian fashion Hirsch asserts: "One spirit lives in all, from the construction of the Holy Tongue to the construction of the universe and the plan of life, one spirit, the spirit of the All-One" (NL 199).

[15] Geiger noticed Herder's influence upon Hirsch's letters. See *Wissenschaftliche Zeitschrift für jüdische Theologie*, II, 353.

[16] *Die Fragmente über die neuere deutsche Literatur* (1767); also *Vom Geiste der ebräischen Poesie* (Dessau, 1782-1783); August Boech, *Encyclopädie und Methodologie der philologischen Wissenschaften* (Leipzig, 1886).

[17] Wallach, *Liberty and Letters*, pp. 74-79.

[18] Georg Wilhelm Friedrich Hegel, *Reason in History*, transl. Robert S. Hartman (New York, 1954), p. 23.

The inner spirit of Judaism, like the Hegelian *Geist*, or perhaps identical with it, cannot and should not be arrested. "Time, if left unhindered, will wash away what it itself has brought into existence, and room will always remain for the higher edifice which yet awaits us" (NL 206). As is evident from this quotation, Hirsch not only accepts the Hegelian concept of the continuously unfolding spirit during the march of time, but also subscribes to that of the progress of time as synonymous with ethical perfection. "The time-process, according to Hegel, is from the less to the more perfect, both in an ethical and in a logical sense. Indeed these two senses are, for him, not really distinguishable, for logical perfection consists in being a closely-knit whole, without ragged edges, without independent parts."[19]

III

The Individualistic-Eudemonic Challenge to Judaism

Accepting the premise that the *Nineteen Letters of Ben Uziel* were written under the impact of Hegelian influence, the significance of their presentation, as well as the order in which they were written, assumes new meaning.

Rereading the *Letters* in the imaginary correspondence between the bewildered Benjamin and his friend Naphtali, we see the intellectual conflict between the Philosophy of the Enlightenment and the Hegelian philosophy that attempted to supersede it. Benjamin is a typical Jew of the era of the Enlightenment, who is confused by its impact and remains intellectually suspended between traditional Judaism and the spirit of the age. He vacillates between both, finding them incompatible and consequently irreconcilable. His arguments are of the same nature as those of

[19] Bertrand Russell, *A History of Western Philosophy* (New York, 1945), p. 735.

Rousseau, Basedow, Pestalozzi, Froebel, Goethe, Fichte, and Schlegel, who emphasized and overemphasized the significance of the individual. Accordingly, the paramount aim in life is the attainment of the harmonious development of the individual's abilities and potentialities. Religion, like any other cultural manifestation, ought therefore to enable the individual to achieve happiness and perfection and must avoid restrictive or coercive means.

This highly individualistic, anthropocentric, and eudemonic concept, with its natural corollary of excessive subjectivism, was bound to come into sharp conflict with a religion like Judaism, which stresses Law and duty, uniformity and objectivism. The individualistic-subjective view of man as self-centered, independent, and unrelated to his surroundings was antithetical to the noministic view of Judaism, which implied the curtailment of the individual's unrestricted rights and pleasures. Consequently, the latter's subjective freedom clashed with the objective legality imposed by traditional Judaism.

Benjamin, in the typical individualistic manner of a man of the Enlightenment, considers it his rightful domain to decide affirmatively or negatively on questions concerning Judaism, the validity of the Torah, the observance or the abrogation of the *mitzvoth,* as well as the general status and obligatoriness of the Jew. "Every religion, *I believe,* should bring man nearer to his ultimate end. This end, what else can it be than the attainment of *happiness* and *perfection* [*Glückseligkeit und Vollkommenheit*]?" (NL 3). Judaism obviously did not measure up to this standard since "the Law itself interdicts all enjoyments, is a hindrance to all the pleasures of life" (NL 4). Nor did the Torah seem justified when measured by the *external* standards of Virgil, Tasso, and Shakespeare or by the philosophical systems of Leibnitz and Kant.[20]

[20] Hirsch's omission of Hegel may not be altogether accidental since he considered the latter's ideas and philosophic system compatible with Judaism.

IV

Historical Objectivism versus Individual Subjectivism

In the second letter, written by Naphtali, Hirsch begins to present his point of view, which is designed to refute the contentions of the individual subjectivism of the Enlightenment. There he postulates the Hegelian concept of objectivism. This view denies the right of the individual to set himself up as the sole criterion to determine what is right or wrong. He also questions the eudemonic teleology in life extolled by the Romanticists. "I could ask: Is it so sure that *happiness* and *perfection* form the goal and object of man's being? I could ask upon what basis you found this opinion?" (NL 11). If man becomes the measure of all things, then civilization and morality will remain without standards and without values. True morality, in the Hegelian sense, exists when the individual identifies his own good with the universal good. "Pure individualism would mean social dissolution."[21] Hirsch shows the absurdity of individualism. Reason, he holds, is not man's subjective view, but constitutes an objective reality which in turn reveals and unfolds itself progressively in history. "True speculation does not consist, as many would-be thinkers suppose, in closing the eye and the ear to the world round about us and in constructing out of our own inner Ego a world to suit ourselves; true speculation takes nature, man, and history as facts, as the true basis of knowledge, and seeks in them instruction and wisdom; to these Judaism adds the Torah, as genuine a reality as heaven or earth" (NL 147). It is not the individual who determines subjectively the validity of ideas, practices, or institutions; it is rather the latter that are judged by their relation to the larger *whole* whose constituent parts they are.

Hirsch does not develop in the second letter his concept

21 Charles Frederick D'Arcy, *Short Study of Ethics* (London, 1912), p. 195.

of objectivism versus subjectivism. "Let us put aside for a while the standard of measurement, and let us try to know that which we desire to measure—Judaism, in its history and teachings" (NL 12). He therefore starts to introduce the historical method of Hegel as it could be applied to the investigation of Judaism.

As has already been pointed out, an institution or civilization must be understood "aus sich selbst heraus." In order to comprehend Judaism one must understand it in its historic context, "for Judaism is a *historical phenomenon*, and for its origin, its first entrance into *history*, and for a long subsequent time, the Torah is the only monument" (NL 13). The Torah is thus the *historical* record of the Jewish people, and if we study it assiduously, if we gain a larger historical perspective, the inner spirit that permeates Judaism will become evident. Only when we go back to the original sources of the Jewish religion will the intelligibility of its inner laws become apparent. Hirsch therefore suggests rereading these sources in this new Hegelian light. "Let us read as though we had never read them; as though we had never heard of them. Let us arouse in our soul the life questions, 'What is the world in me, and around me, to me? What am I; what should I be to it? What am I; what should I be as *man—Israel*?' " (NL 16).

V

The Hegelian Metaphysical Doctrine

In the third letter of *Ben Uziel*, the influence of the Hegelian philosophy becomes even more pronounced. In this letter Hirsch seems to employ the Hegelian metaphysical doctrine. According to this doctrine "the character of any portion of the universe is so profoundly affected by its relations to the other parts and to the whole, that no true statement can be made about any part except to assign its place in the whole. Since its place in the whole depends upon all other parts, a true statement about its place in the

whole will at the same time assign the place of every other part in the whole."[22]

Applying this doctrine to the comprehension of the task of the Jew, Hirsch maintains that we must in like manner relate this task to a larger whole. The Jew is a part of Israel. But in order to understand Israel, which "is a historical phenomenon among other manifestations of the world's records" (NL 17), we must understand history. The question of history is, however, contingent upon the problem of man in general. "But man is not isolated, he is a creature amidst the other creatures, affected by and affecting them, therefore we must next ask what is the world?" (NL 17-18). Thus Hirsch continues to widen the circle to include the entire cosmos in order to determine the role and significance of one of its constituent parts, the Jew. This difficult and complicated procedure is essential to Hirsch since in the Hegelian philosophy "there is no truth except the whole truth, and similarly nothing is quite real except the whole, for any part, when isolated, is changed in character by being isolated, therefore no longer appears quite what it truly is."[23]

The mere conglomeration of all the phenomena in the cosmos do not necessarily per se imply meaning unless they are comprehended through the spirit that permeates them. Without the spirit they constitute mere *disjecta membra* and consequently unintelligible. Hirsch, too, asserts that the task of the Jew can be ascertained only by determining his relation to the rational whole to which he belongs—the cosmos—and comprehended through God "as a work of art is only then perfectly understood, when we have an insight into the plans of the master" (NL 18). The Torah, being in rabbinic tradition the Divine plan of the cosmos, is the best source to lead us "through the concept of Israel and Israel's duties to the knowledge of God, the world, the missions of mankind and history" (NL 18).

The method of the Torah seems to be identical with

[22] Russell, p. 743.
[23] *Ibid.*

the metaphysical doctrine of Hegel. The aim of the Torah is primarily to teach the Jew his obligations and role in the world. It does not, however, begin with that exposition, but rather with the larger perspective, the creation of the cosmos. Only when the significance of the whole—the universe—is imparted to us and then narrowed gradually down to the part—the people of Israel and the individual Jew—will the task of the Jew become self-evident.

Therefore, to understand man we must understand creation or the multifarious manifestations of God in nature and history. "God reveals Himself only in His works" (NL 18). The unfolding of the Hegelian *Geist* or the Hirschian God takes place in the dual areas of nature and history. "The Idea develops both in space and in time. The Idea developing in space is Nature, the Idea subsequently—or rather consequently, for it is all a *logical* process—developing in time, is Spirit. The latter, the development of the Idea in Time, or of Spirit, is history."[24]

Nature thus can serve as a guide to discover the task of man. For to Hirsch and Hegel nature is not inert, nor is it a mere mechanism, but a rational exhibition of the *Geist*, or the *Logos*. Nature is "petrified intelligence,"[25] or the externalization of the spirit. "Nature is in itself rational, and knowledge has to apprehend the reason actually present in it."[26]

When we analyze nature, it is possible to observe its constitutive and regulative principles, which manifest rationality. Behind the constant mutations "of originating and passing away, of blooming and withering, of life and death, eternally struggling from ceasing, fading, and death, to ever new existence, bloom and life" (NL 19), we perceive the existence of law, in unconditional obedience "to which a stone falls or a seed of corn grows into a plant,"

[24] Robert S. Hartman, Introduction to Hegel's *Reason in History*, p. xii.

[25] John Angus MacVannel, *Hegel's Doctrine of the Will* (New York, 1896), p. 39.

[26] Harald Höffding, *A History of Modern Philosophy*, II (New York, 1955), 179.

and "the force and the law in accordance with which the planets move in their orbits or the intellect expands" (NL 21). Nature also reveals a remarkable interdependence of its constituent parts. In the organism's whole that the universe presents "none is by or for itself, but all things exist in continual reciprocal activity—the one for All; the All for One" (NL 29).

Though nature consists of numerous antithetical forces "separated and distinguished by peculiar construction and different purposes" (NL 22), they are nevertheless reconciled by God, whom Hirsch calls by a term that has a peculiar Hegelian dialectic ring, "Harmonizer of Contrasts" (NL 22). These antithetical forces are held together by *love*. "Love which bears and is born is the type of creation. Love is the message which all things proclaim" (NL 22). Hirsch seems to have applied to the realm of nature the force of love, which Hegel considers as the foundation, the controlling and the organizing principle on the self-conscious level in the realm of the social union. This anthropomorphic allegation of love in the organic world may be due to the fact that with Hirsch God takes the place of the Hegelian *Geist* and His Spirit is immanent in nature. "Not only all *was* through Him, all *is* through Him. His blessing is every bloom and blossom; His blessing every germ and every fruit; His blessing the mother's offspring; His blessing the babe pressed to the loving breast" (NL 22-23). The fact that God's spirit is immanent in all creation would account for the existence of love in the organic world since, as Hegel says, "The spirit finds itself bound to another and in this tie feels the assurance of its own existence."

VI

The Teleological Aspect and Dualistic Nature of Man

In the fourth letter Hirsch takes up the position of man "in this God filled world" (NL 31). Though man belongs

to the realm of mind and the world to the realm of nature, there is no radical difference between them. To Hirsch, as to Hegel, there is a dominant principle of unity underlying both spheres notwithstanding their seeming differences. "In spite of all their apparent conflicts the kingdoms of nature and of spirit are essentially one."[27] Consequently, the rationality manifest in the sphere of mind is also present in the not so apparent sphere of nature. The only distinguishing characteristic is not reason but consciousness. While nature carries out its rational functions dutifully without awareness, mind is cognizant of its purpose. Man, who is partly nature and partly mind, serves as a bridge linking the organic world and the realm of consciousness. Man connects the sphere of nature, in which reason is externalized, with the sphere of the mind.

But the complete consciousness of man, his full awareness of his moral freedom and his cognizance of his duty and role in the universe is only potential. It is incumbent upon him to actualize this inherent potential and gain the true perspective of totality. Man's potential, however, does not display itself automatically at the dawn of this generic life. At that stage man's mind is only subjective and close to the state of nature. "The individual in the state of nature is governed by blind instinct, by brutal passions and by that egoism which characterizes animal life."[28]

Since one aspect of man's constitutional duality is his kinship with nature, he ought, according to Hirsch, to act in a manner similar to that of other natural phenomena. "Since all things, the smallest and the greatest, are God's messengers, to work, each in its place, and with its measure of power, according to the law of the Most High, taking only that it may give again, should man alone be excluded from this circle of blessed activity? . . . The world and all which is therein serves God; is it conceivable that man alone should only serve himself?" (NL 32).

[27] MacVannel, p. 36.

[28] Alfred Weber, *History of Philosophy*, transl. Frank Thilly (New York, 1896), p. 514.

For Hirsch as for Hegel, that which distinguishes man from the vast variety of natural phenomena is the image of God he carries in his consciousness (NL 32). Man's consciousness must be elevated from its subjective state and subordinated to the objective mind of the Torah. Man must not act in accordance with his unenlightened, subjective desires and follow his egotistical inclinations. He should submit his subjective mind to the objective one, which regulates his desires, disciplines them through law and harmonizes them with the will of God. The Torah to Hirsch, like the law of the state to Hegel, represents a higher reason than the limited subjective reason of the individual. Thus, when man acts in accordance with the law of the Torah, he is not hampered by it but gains true freedom, since freedom in Hegelian philosophy is achieved when the individual consciously identifies his power *within* with the power *without*. "In knowing the external world, and identifying himself with the ethical substance, he comes gradually to the fulfillment of the command *gnoti sauton*—first to know and therewith to be himself—to feel his calling to be that of a co-worker in the realization of the divine purpose 'to which the whole creation moves.' "[29]

Hirsch likewise maintains that when man subordinates his subjective will to the higher will of the Torah and limits his subjective freedom in accordance with its demands, he attains true knowledge and true freedom. " 'Knowledge and freedom,' these words indicate at once the sublime mission and the lofty privilege of man" (NL 33).

Consciously recognizing his role in the universe, man ceases to demand the possessions of the world as his exclusive property. On gaining the proper perspective, he freely limits himself and recognizes the rights of others. His subjective mind emerges from its natural state, and he becomes aware that all the possessions with which he has been endowed, "spirit, body, human beings, wealth, every ability and every power, they are means of activity; *l'avdah*

[29] MacVannel, p. 41.

ul'shamrah, to promote and preserve the world they are given—love and righteousness. Not thine is the earth, but thou belongest to the earth, to respect it as Divine soil and deem every one of its creatures a creature of God, thy fellow being" (NL 32-33).

The laws evident in the realm of nature, whether in the inorganic, chemical, or organic spheres, are also applicable to the sphere of mind and hence to man. "The law to which all powers submit unconsciously and involuntarily, to it shalt thou also subordinate thyself, but consciously and of thy own free will" (NL 33). Whereas all the forces of nature carry out their task without awareness of their duty—"their capacity is hidden from themselves and covered are their countenances, so that they can not see the reason of their mission" (NL 33-34)—man who is endowed with mind has *also* the ability to partially understand his obligation. Hirsch phrases this thought poetically, saying that man's "countenance is half uncovered, thy capacity is half revealed, thou canst comprehend thyself as creature of God . . . " (NL 34). Man gradually lifts himself up from the state of nature into the state of spirit. His role in the universe is neither that of a God nor of a slave "but as brother, as co-working brother, occupying, however, the rank of first-born among his brother beings, because of the peculiar nature and extent of his service" (NL 44).

It should be noted that Hirsch emphasizes the teleological principle, which is the dominant characteristic of all phenomena in the world. His teleology resembles that of Hegel. The latter distinguishes between external and finite teleology, in which the means and the ends are completely distinct objects, and "inner design" teleology, which is "a relation of means and ends where each exists solely in and for the other, where the one could not exist without the other, and where, in the last analysis, the one is identical with the other."[30] In the realm of nature which is devoid of consciousness the "inner design" teleology is inherent. On

30 W. T. Stace, *The Philosophy of Hegel* (New York, 1955), p. 73.

the human level consciousness seems to sever this true teleology and separate the object from the notion. Only man's understanding of his task tends to coalesce the object of the notion and re-establish in man the "inner design" existing unconsciously in nature.

VII

The Subordination of the Subjective Mind to the Absolute Mind

In the fifth letter Hirsch points out the dangers menacing the human mind when it is permitted to pursue its subjective course unrestrained. Man, being a transition between the realm of nature and the realm of spirit, can be easily carried away by his blind instincts and passions. "Through his animal portion, his body with its desires, he is threatened with sensual lust" (NL 46). In order to emerge from the state of nature into the state of spirit man must yield to the Absolute Mind—God. "Man should subordinate himself to his Creator, for him highest wisdom consists in *obeying the will of God as the will of his God.* But to be willing to fulfill the behests of that will only when or because they appear also to us right and wise and good, could that be called obedience to God? Would not that rather be obedience to oneself?" (NL 47-48).

This statement by Hirsch indicates a position similar to that of Hegel, who maintains that man's true freedom is attained only by unconditional obedience. "Obligatory duty can appear as a limitation only to undetermined subjectivity or abstract freedom, and to the desires of the natural will, or to that moral will which determines its indeterminate good through its own caprice."[31] He believes it is only when the individual responds to the demands of the "environing ethos" that ethicality becomes second nature to him. Similarly Hirsch says: "The law, which lays down

[31] Quoted by MacVannel, p. 90, from Sterrett's translation of Hegel's *Philosophie des Rechts.*

Reverence, Love, and Faithfulness as the three foundation-stones, does not cripple the heart, but that, *when comprehended and assimilated to the mind,* its fulfillment becomes a new *power, a life from within,* not a mere barren and external dwarf of existence, stimulating all the faculties to a freer development and a more intense use" (NL 149).

In the Hegelian dialectic the subjective mind submits to the molding influences of the objective mind, which is society or the state. In Hirsch the subjective mind has to subordinate itself directly to the Absolute Mind, which is God, or to His manifest will, the Torah. This should not be considered a serious departure by Hirsch from the Hegelian philosophy. In Hirsch's exposition the conscious mission of the objective mind is due to the social difference between the two exponents. The German Hegel living in a German-Christian state saw in the latter the objectification of the spirit, for it endeavored to put into law the socio-ethical ideas that he, Hegel, believed in. To Hirsch, the Jew, the German-Christian state did not present the fulfillment of Jewish ideals and values. He therefore could not see in that State the epitome of Spirit. Not infrequently were the laws of that objective mind—the German-Christian state—detrimental to Judaism. Insistence that the subjective mind of the Jew be subordinate to the objective mind —in this case the German-Christian state—would have implied the destruction of Judaism. Consequently, Hirsch deviates pragmatically from this Hegelian particular view and makes the subjective mind of the Jew directly subject to the Absolute Mind—God and Torah. "The path to pleasure is made difficult to discourage the development of the animal side of his being and to render less arrogant his pride; that the real man in him be led upwards to God, through realization of the limitations of his power, and that something else must be his task and his greatness than that which can be thus easily conferred upon him, or taken from him" (NL 49).

The Torah is to Hirsch the expression of the will of the Absolute Mind. Its principles are neither arbitrary nor

restrictive. Their legal aspect appears limiting only to the subjective self-centered individual, who does not realize that his freedom does not express itself in his carnal appetites but in the full acceptance of morality. By adhering to the Torah the Jew gains his absolute freedom. Only when the supposed legality of the Torah is transformed into ethicality, when the *nomos* becomes *ethos,* or in Hegelian terminology when the objective mind becomes a subject, is the Jew truly free. To paraphrase a Hegelian statement Torah is to Hirsch "the legality of the heart, the law which is identified with the will of the individual."[32] The seeming difficulties that the Jew encounters in the fulfillment of his Jewish duties do not affect the objective existence of the Law, nor are they a valid excuse for their abrogation. "If our view of life is earnest and serious; if we comprehend Judaism as the charge with which we are entrusted, and which we are to bear through time and tribulation; if we realize that it is our life-code of duty, can the difficulty, the burdensomeness of an obligation dispense us from its fulfillment? Should it not rather make the duty of fulfillment more solemn and urgent?" (NL 151).

Once man abandons the will of the Absolute Mind and reverts to the dictates of his own subjective mind, he loses sight of the will of God. His failure to comprehend the "whole" transforms all phenomena of the universe into an irrational maze of contradictory "parts" struggling with one another. "As soon as man ceases to look upon himself as the empowered guardian and administrator of the earth-world, as soon as he endeavors to carry out, not the will of God, but his own will, and ceases to be servant of God, he sees no longer in the strength-endowed beings around him the servitors of Deity, but independent forces which seek possession, lust, and power; he has no eye any more for the law of the All-One whom they all serve, and the world divides itself for him into as many gods as he sees forces in operation" (NL 51).

32 Weber, p. 515.

According to Hegel's Phenomenology "jedes Moment, weil es Moment des Wesens ist, muss dazu gelangen, als Wesen sich darzustellen." This exaggerated sense of importance that each part has when it does not relate itself to the whole is evident in every aspect of human endeavor. In such circumstances there is always an element of danger that the subjective mind will magnify the particular and ascribe to it the attributes and qualities of the whole. "The human mind is incurably 'idolatrous' because it moves in concentric circles. It worships at this shrine or that shrine the particular gods that attract and excite it."[33]

VIII

The Culmination of the Dialectic Spiral

In the sixth letter, Hirsch takes the biblical narrative of the generation of the Tower of Babel and gives it a Hegelian interpretation. Since these people rebelled against God and did not surrender their subjective minds to the Absolute One, they lost their deocentric comprehension of the world as a whole, and the world disintegrated into a multitude of anthropocentric parts each vying with another and struggling for supremacy and its own deification. Man, deluded by his partial and fragmentary vision, became incorrigibly idolatrous, i.e., he magnified a part to the status of the whole. God, however, though He did not wish to destroy the world, was determined to educate humanity by the dialectical march of the *Geist* through history. "When one race has gone through all the stages of the sinful illusions which weaken and corrupt mankind, and is enervated, exhausted, and unfit for the Divine purpose, it shall yield its place to a stronger and hardier race, which shall begin a fresher, purer life" (NL 54). Hirsch follows the Hegelian view of the role of nations in the unfolding of the spirit of history, a view that he unknowingly shared with another

[33] J. Loewenberg, Introduction to *Hegel* (New York, 1929), p. xxxv.

Jewish thinker Nachman Krochmal.[34] Hegel maintains that according to the principle of historical development, "in every age, there is some one nation which is charged with the mission of carrying the world through the stage of the dialectic that it has reached."[35] Hirsch similarly states that "from this time on nation after nation enters into the arena of history; each presents some new power, some new capacity of the human intellect, and uses these faculties in battle with nature and *with each other* . . . " (NL 55). Indeed, these nations crave eternity, but "a higher hand" dashes their attainment to the ground. When a nation has reached its zenith, it collapses and "forsakes the sphere of its activity for similar attempts on the part of the succeeding generation" (NL 56).

In Hirsch's philosophy, as in that of Hegel, there is a definite historic reason and purpose for the emergence and decline of nations and for their place in the Divine blueprint. "All nations that were or are anywhere upon the surface of the earth, whether in the east or the west, the north or the south, each with its life and disappearance from the stage of history, with its successes and failures, with its virtues and its vices, its wisdom and its folly, its rise and its fall, in a world, with whatsoever it leaves to posterity as the sum total of the results and products of its existence. All of these efforts and actions are bricks contributed to the edifice of human history; all tend to the carrying out of the plan of the one, same God" (NL 143).

Each nation makes its own contributions to the sum total of history and presents a certain aspect of the spirit as revealed in history. ". . . the same result is attained by the art of the Greeks when morally pure and devoted to the refinement of the mind, and of their sciences, when sharpening the intellect to the better apprehension of truth; even the sword of the Roman and the peaceful commerce

[34] Nachman Krochmal, *More Nebuche Ha-Zeman* (Lemberg, 1851), pp. 34-41.

[35] Russell, p. 739.

of the European have united nations in brotherhood for the working out of the same ideals . . . " (NL 144).

Here again we must emphasize the difference between Hegel and Hirsch. In the former this dialectic spiral terminates in the Prussian state, which he glorified.[36] To Hirsch, the Jew, this spiral dialectic ends in the "end of the days" of the Messianic era. Furthermore, Hegel, who posited the intermediate stage, the objective mind, between the subjective and the Absolute, could see in the triumph of the state the victory of the spirit. Hirsch, who had to eliminate the intermediate phase and subordinate the subjective mind to the all-encompassing Absolute Mind, was compelled to terminate the dialectic spiral by the unconditional surrender of the nations to God and the recognition of the only reality —the Whole—and the illusion—the parts. Only "after mankind, which had, in strange delusion, placed all creatures, and even man himself, upon the throne of the Most High, has learned, in the destruction of human ambitions, the nothingness of these puny rivals of Deity, and lifts its eye, unobscured by superstitious veil, to the All-One . . . " (NL 56) will the historical dialectic process be fulfilled.

IX

The Historical and Metahistorical Aspects of Israel

In the seventh, eighth, and ninth letters Hirsch attempts to explain the position of the Jewish people. As has already been pointed out, Hirsch's views on this subject were not yet fully developed at the time. "My thoughts on Israel are still only a project of my mind" (NL 212). One of the primary difficulties in Hirsch's explanation of the role of the people of Israel was its uniqueness, which seemed

[36] J. B. Bury, *The Idea of Progress*, Dover ed. (New York, 1955), pp. 255-256. R. G. Collingwood considers this view to be erroneous and a misunderstanding of Hegel. Accordingly, "history *must* end with the present, because nothing else has happened. But this does not mean glorifying the present or thinking that future progress is impossible"); Collingwood, *The Idea of History* (New York, 1956), pp. 119-122.

to defy Hegel's dialectical approach to the history of other nations. The latter are destroyed in the historical process. The Jewish people, however, though "Israel is an historical phenomenon among the other manifestations of the world's records" (NL 17), seems to defy this historical imperative.

Hirsch thus encountered the same difficulty as Krochmal. His problem was to save the Jewish people philosophically from the irrevocable doom of history. It is remarkable that Hirsch independently employed an idea similar to Krochmal's,[37] that of making the Jewish people directly subject to the Absolute Spirit. Whereas each of the other nations had "to learn to know God and itself from its manifold vicissitudes" (NL 66) inherent in historical development, the Jewish people were "*externally* subordinate to the nations armed with proud reliance on self, but fortified by *direct* reliance on God" (NL 67). The historical aspect of the Jewish people, therefore, was only an *outward* manifestation. *Intrinsically* the Jewish people were dependent on the Absolute Spirit, or God, and consequently were immune to the inherent destructiveness which is a necessary corollary of the unfolding of the *Geist.*

The inner contradiction existing between the *external* aspect of Israel, which is historical and hence perishable, and its *internal* aspect, which is spiritual and hence eternal, is apparent. Small wonder that Hirsch's grandson, Isaac Breuer, who carried on Hirsch's thought, emphasized the *metahistorical* aspect of the people of Israel.[38] Breuer reached the logical conclusion of Hirsch's philosophy and therefore resolved the inner contradiction by removing the Jewish people entirely from the realm of history and placing them exclusively in the realm of spirit.

It is not difficult to account for Hirsch's promulgation

[37] Krochmal, *op. cit.; cf.* Julius Guttmann, *Ha-Pilosofiah shel Ha-Yehaduth* (Jerusalem, 1953), pp. 301-305.

[38] Isaac Breuer, *Moriah* (Jerusalem, 1955), pp. 53-62. Nathan Rothenstreich seems to overlook completely the external historical aspect of the Jewish people *on the part of Hirsch;* he maintains that Hirsch removed the Jewish people from the realm of history. Nathan Rothenstreich, *Ha-Machshavah Ha-Yehudith b'Eth Ha-Hadashah,* I (Tel Aviv, 1945), 117-119.

of the inner contradiction between the *external* historical aspect and the *internal* spiritual one. Had Israel been completely spiritual no co-existence with the outer non-Jewish state in the period of the emancipation would have been possible. Spiritual Israel would under such circumstances have become extraterrestrial. For Hirsch, who welcomed the emancipation and certainly could not oppose it in his generation, it was necessary to show that the Jews are capable of external adjustment to their historical time and historical environment. "How beautiful it would be if Israel, obeying the word of its prophet, should *attach itself closely to every state* which has accepted its children in citizenship, and should seek to promote the welfare and the peace thereof" (NL 85). Perhaps it is not too far-fetched to suggest that the peculiar term "man-Israel," frequently employed by Hirsch, may reflect this dual concept. "Man" implies the common *external* aspect historically uniting the Jew with the rest of mankind. "Israel" is the *internal* aspect, which has a spiritual metahistorical quality distinguishing the Jew from the rest of mankind. The Jew is a combination of these two antithetical components.

Indeed, Israel can meet the requisites of the modern state because externally it can fit the modern state into its system, and the "purely spiritual nature of the national character of Israel . . . is capable of the most intimate union with states" (NL 162-163).

However, since this attachment to the outward states is only external and not intrinsic, Hirsch, though he blessed Emancipation (NL 165-166), did not consider this new state of affairs, so enthusiastically acclaimed by his contemporaries, a *sine qua non* for the existence and survival of the Jewish people. "Emancipation, like our *external state* altogether, is a matter, religiously speaking, of secondary importance. We may indeed take part in accelerating its coming[39] but in itself it makes us neither greater nor smaller"

[39] Note the difference in Hirsch's attitude toward the Emancipation, which ought to be actively pursued and accelerated, and the Messianic redemption, which must not be rushed. Aside from the difference in the theo-

(NL 169). Here Hirsch left a margin of safety: Should emancipation fail, the survival of the Jewish people would thereby not be jeopardized. The failure of emancipation would signify only a change in the external conditions of the Jewish people; the essential and spiritual core of Israel's existence would remain unaffected.

The Jewish people, according to Hirsch, are unique, since they did not need a state for the objectification of the law, but "the Torah, the fulfillment of the Divine will, was to be its soil and country, and aim; its national existence, therefore, was neither dependent upon, nor conditioned by transitory things, but eternal as the spirit, the soul and the word of the Eternal One" (NL 76).

Despite the eternity of the Jewish people and despite its spiritual metaphysical existence, it seems that Hirsch does differentiate in its history some dialectical process. He distinguishes the phase of the national existence of the Jewish commonwealth, which appears to be analogous to the thesis, and the phase of the exile, which is similar to the antithesis. This dialectic process may be due to the fact that Hirsch, unlike Breuer, had not completely transformed Israel into a metahistorical nation. Since externally it was historical, it could not escape some of the scathing effects involved in the historical process. But, true to the Hegelian thought, "destruction means the annulling of external existence, not the destruction of what is essential."[40] The destruction of the external Jewish state did not affect its essential spirit. "Through the annihilation of Israel's state-life its mission did not cease, for that had been intended only as a means to an end. On the contrary, this destruction itself was part of its fate" (NL 79-80).

This last remark by Hirsch again confirms the Hegelian

logical character of these two phenomena there is no doubt that this dual *standard* with respect to them was motivated by reasons of expediency. In the final analysis there was no practical difference in this respect between Hirsch and his Reform opponents. The latter boldly negated the concept of Jewish national restoration, whereas Hirsch relegated it to an indefinite "End of the Days."

40 Höffding, II, 181.

point of view, in which the antithesis is just as much a part of the dialectic process as the thesis.

Is there a synthesis in Hirsch's thought? As already pointed out, the synthesis in Hirsch is the Messianic days, when the physical thesis of the state and the spiritual antithesis of exile will be merged into a spiritual state synthesis. At that time "the great day shall arrive when the Almighty shall see fit, in His inscrutable wisdom, to unite again His scattered servants in one land, and the Torah shall be the guiding principle of a state, an exemplar of the meaning of Divine Revelation and the mission of humanity" (NL 162).

But this historical process has a logic of its own, and the *Geist* cannot be hurried. It must advance and progress along its own lines. "Actively to accelerate its coming were sin, and is prohibited to us" (NL 162).

X

Other Aspects of Agreement

In the tenth through the fourteenth letters Hirsch suggests his rudimentary interpretation of the precepts of the Torah. He divides the precepts into six categories, which he considers "the Jewish doctrinal system" (NL 101). At the time they had not yet been elaborated fully, and only "the nomenclature of terms" (NL 101) existed. Hirsch believed that eventually they would be elucidated and demonstrated.

The fifteenth, sixteenth, and seventeenth letters summarize Hirsch's exposition of Judaism on the basis of the Hegelian methodology, which he attempted to apply in the previous letters. He restates his fundamental views concerning the relationship of God, world, man, Israel, and Torah. He negates the idea of a "world without an active God or of a God without a world that serves Him" (NL 137). This view is similar to that of Hegel, who maintained that a "godless world and a worldless God are both alike

abstractions."[41] The concept of the world is thus a teleological one, man included. Israel's unique position is justified, in addition to the traditional view, by the idea of mission, a favorite doctrine in the circles of the Reform movement, and by the Hegelian concept that the state of exile "is a part of the scheme of its God-revealing existence" (NL 138). The exilic state is the antithetical manifestation of the national thesis, the state. The Torah, as has been noted, is neither restrictive nor inhibitive. It does not interdict or suppress any normal legitimate desire, but merely makes "the lower cravings subordinated to higher law and limited by the Creator's wisdom for His infinitely wise purposes" (NL 138-139). Translating this statement into Hegelian terms, it implies the subordination of the subjective mind to the absolute one.

In addition to the Hegelian concepts, there is in the *Nineteen Letters of Ben Uziel* a variety of views and ideas in the realm of the philosophy of religion, in which the similarities to those of Hegel are remarkable and hardly accidental.

The following views on religion will show the points of agreement between Hegel and Hirsch: Both object to subjective speculation on religious fundamentals by the individual. The individual must become absorbed in his religion as it has evolved historically.[42]

Hegel opposed, on the one hand, rationalism in religion, which "makes the concept of God empty and finite,"[43] and on the other hand, the rigid literalness of orthodoxy, which "clings to the literal expression of dogmas."[44] Similarly, Hirsch decries the "baseless reasoning, transcending the legitimate bounds of our intellectual capacity, however brilliantly put together and glitteringly logical it may appear to be" (NL 147). At the same time he just as vehemently opposes the rigidity, literalness, and externality of

41 MacVannel, p. 96.
42 Höffding, II, 189.
43 *Ibid.*
44 *Ibid.*

Eastern European orthodoxy, of which he always spoke deprecatingly. The latter overemphasized the outer formalistic aspect of the Torah, deprived it of its dynamic and creative spirit, and transformed it into an anachronism. They made the Torah "a dull and prosaic dialectic [which] had reduced to merest mummies laws full to overflowing of life and spirit" (NL 99). Like Mendelssohn,[45] Hirsch rejects the concepts of dogmatism in the Jewish religion. "Judaism enjoins six hundred and thirteen duties but knows no dogmas" (NL 146).

Just as Hirsch excludes excessive rationalism and sterile dogmatism in religion, so he also rejects its emotive aspect. Like Hegel he objects to the vague diffused emotionalism and irrationalism extolled by Schleiermacher[46] and his followers. "Feeling alone cannot justify itself; its worth rests on its content and its object. Feeling cannot decide, for man has it in common with the brutes."[47] This negation of the emotive aspect of religion explains Hirsch's attitude toward prayer, which is frequently charged with subjectivism, emotionalism, and sentimentalism. Like Hegel, Hirsch objects to the emotive concept of prayer advocated by many romantic religionists. The aim of prayer, according to Hirsch, "is the purification, enlightenment, and uplifting of our inner selves to the recognition of the Most High and our duties towards Him in truth; not mere stirring up of emotions, swiftly-vanishing devotion, empty sentimentalism, and unreasoning tears, but the cleansing of thought and heart" (NL 129-130).

Though Hirsch was fundamentally a religionist and Hegel primarily a philosopher, their basic views on religion do not conflict. Agreement lies not only in their methodological approach, but in their intrinsic views. Thus Hegel, though a philosopher, considers religion as differing

[45] Moshe Mendelssohn, *Jerusalem* (Heb. ed.; Tel Aviv, 1947), pp. 102-105.

[46] Friedrich Schleiermacher, *On Religion, Speeches to Its Cultured Despisers* (New York, 1958).

[47] Höffding, *loc. cit.*

from philosophy in form alone. In religion the philosopher's ultimate relations "are regarded as historical events and are conceived in figurative form."[48] Indeed, Hirsch does not accept religious dogmas, or, as he prefers to call them, "duties," as mere historical or pictorial forms. We must, however, bear in mind that one of the categories in Hirsch's doctrinal system, *Edoth,* embraces precepts or duties that have exclusively a mere symbolic character. "These symbolic acts and seasons all give expression to ideas without splitting them into words as speech must" (NL 122). Here we note that to Hirsch these religious symbols signify the same thing as ideas to the philosopher. There is, however, one important difference: for Hirsch the symbols have to be observed, though the person may comprehend the ideas behind it, and the religious concept must be concretized into a religious act. In this respect Hegel appears to be the more consistent, maintaining that since the religious symbol is merely external to the idea it embodies, there is no harm in its abandonment.[49] It is, however, not difficult to understand that Hirsch, who was explicitly committed to the religious act, had to insist upon its absolute validity and the essential importance of its performance.

Considering the strong influence of Hegel upon the formative thought of Hirsch, one is almost tempted to attribute the latter's profound interest in exegetical research as well as in the construction of a specific Jewish symbolism as corollary to Hegelian thought. In accordance with the Romantic tradition Hegel believed that "the religious ideas of bygone times can only retain their value if we are able to discover that in one way or another they express our own experiences and our own thought."[50] Hirsch, somehow, attempted to reinforce, not only religious ideas of bygone days, but also religious practices of antiquity, by validating them in terms plausible in modern times. Consequently,

[48] *Ibid.,* II, 190.

[49] On the significance of Hegelian symbolism and the difference between Greek, Hindu, Egyptian, and Hebrew symbols, see Stace, pp. 453-461.

[50] Höffding, II, 192.

he resorted to traditionally hallowed exegetical and symbolical methods to substantiate the Torah in all its ramifications in the light of his contemporaneous philosophy. Though the exegetical and symbolical methods were not new in Judaism, in the case of Hirsch, who developed extensive exegetical and symbolical elaborations of his own,[51] Hegel's sanction may have been decisive.

In tracing Hegel's influence upon Hirsch, their agreement upon the equal coexistence of religion and philosophy should be mentioned. Both contain the truth. Religion revealed to mankind what philosophers had to evolve during subsequent centuries and millennia. Hirsch's distinction between the truth theophanically revealed to Israel and the truth that will eventually be recognized by the rest of mankind after a long, arduous, and tortuous process of trial and error may have its origin in the analogous Hegelian thought.

XI

Jewish Hegelians before Hirsch

The attempt to reinterpret Judaism along Hegelian lines was not altogether new nor did it originate with Samson Raphael Hirsch. Hegel's philosophy, despite the great popularity it enjoyed in the beginning of the nineteenth century and the extraordinary influence it exerted on modern social and political thought, "was primarily religious and its systematic logic a rational theology."[52] Hegel himself considered his logic to be "the exposition of God as He is in His eternal essence before the creation of the world and man."[53] It was only natural that in an intellectually confused time some groping Jews should endeavor to anchor the tottering foundations of Judaism to the moorings of a generally accepted religious philosophy that claimed to be scientific,

[51] Samson Raphael Hirsch, "A Basic Outline of Jewish Symbolism," *Timeless Torah* (New York, 1957), pp. 303-420.

[52] Sidney Hook, *From Hegel to Marx* (New York, 1958), p. 17.

[53] G. W. F. Hegel, *Science of Logic* (Eng. tr., 1929), I, 60.

objective, and all-encompassing. Such an attempt was made seventeen years prior to the publication by Hirsch of the *Nineteen Letters of Ben Uziel.* In 1819 a small group of young Jewish intellectuals formed in Berlin the *Verein für Kultur und Wissenschaft der Juden* (Society for the Culture and Science of the Jews).[54] Its chief adherents had strong Hegelian leanings. Notable among them were the founder of "Jewish Science," Leopold Zunz (1794-1886), the legal historian Edward Gans (1798-1839), and the great poet Heinrich Heine (1797-1856). The members of the *Kulturverein* wanted to rehabilitate Judaism and restore its dignity and rationality by applying to it some aspects of Hegelian methodology and by reinterpreting it in the Hegelian spirit. It is, therefore, significant to note that in spite of the colossal ideological differences that distinguished the members of the *Kulturverein* from the future champion of Neo-Orthodoxy, there is a remarkable similarity in their methodological approach to Judaism.

In the programmatic outline of the *Kulturverein* entitled *Über den Begriff einer Wissenschaft des Judentums* (Berlin, 1823) (On the Concept of a Science of Judaism), one of the exponents of the society, Immanuel Wolf, presents some of the fundamental aspects of its approach to the *Wissenschaft des Judentums* which seem to antedate similar views subsequently expounded by Hirsch in his *Neunzehn Briefe.* Aside from the term *Wissenschaft,* which both apply to the inquiry and study of Judaism, Wolf, like Hirsch, insists that Judaism has to be treated as a *Whole* (*als ein Ganzes*). It cannot and should not be studied or analyzed fragmentarily. *Wissenschaft des Judentums* can accomplish its task only if it endeavors to comprehend Judaism in all its ramifications. Just as Hirsch required that Judaism had to be organically comprehended, "aus sich selbst heraus" in

[54] More about the *Kulturverein* and the development of "Science of Judaism" in Germany, as well as the quotations from the programmatic outline by Immanuel Wolf, in Luitpold Wallach, "The Beginning of the Science of Judaism in the Nineteenth Century," *Historia Judaica,* VIII (1946), 33-60; Wallach, *Liberty and Letters.*

accordance with the *inner spirit* that permeates its original *literary sources* (NL 197-198), so the members of the *Kulturverein* maintain that "Judaism . . . as a *Whole* is based on the *internal principle* peculiar to it, and contained, on the one hand, in a *comprehensive literature,* on the other hand, in the particular life and experiences of a large group of people."[55]

Both consider their respective methods of investigation of Judaism as new and never tried before. Thus Wolf asserts, ". . . until now it has never been presented scientifically in its entire extent, from a completely independent point of view . . . the *Wissenschaft des Judentums* can be created, provided that the entire sphere of Judaism, *in and for itself,* is made the subject of such research." Similarly, Hirsch inveighs against all the great variety of methods employed before him (NL 13), and calls upon Benjamin to forget "all annoyances which the reading of these writings [the original sources of the Jewish religion] caused you in your youth; forget all the prejudices which you may have imbibed from different sources against these writings. Let us read as though we had never read them; as though we had never heard of them" (NL 16). In the light of Hirsch's new approach, these writings will assume a new significance.

The methodological approach to Judaism advocated by the exponents of the *Kulturverein* was thus strikingly similar to that of Hirsch. Like the latter, they proposed that (1) the Science of Judaism should encompass Judaism in its *entirety*; (2) it should proceed "systematically to trace the individual *parts* to the basic principle of the *Whole*; (3) it should set out to treat its subject "in and for itself, for its own sake, not for a special purpose, or with a definite intention."[56]

The spokesman for these Jewish Hegelians employs terminology concerning Judaism identical with Hirsch's. Accordingly, Judaism is conceived as a particular, autonomous

55 Wallach, *Liberty and Letters,* p. 12.
56 *Ibid.,* p. 56.

Whole ("ein eigentümliches, selbständiges Ganzes"), and its concept in and for itself, "which it was to develop in accordance with its inner reasonableness (*Vernünftigkeit*) present in its truth."

The similarity in concept and in methodological approach between Hirsch and the spokesman of the *Kulturverein* is readily understood since both were strongly influenced by Hegelian thought. It nevertheless raises the query whether Hirsch consciously imitated them, was unconsciously influenced by them, or even directly borrowed from them. On the basis of his writings this intriguing question cannot be resolved. Hirsch does not even admit any indebtedness to Hegel or to the Jewish Hegelians.

Hirsch's reluctance to acknowledge any influence directly by Hegel or indirectly through the *Kulturverein* is not difficult to understand. Hirsch, who in the course of time became the exponent of traditional Judaism and the father of the orthodox separatist movement in Germany, could certainly not confess to a philosophical and methodological affinity with men like Heine, Gans, or even Zunz. The first two embraced Christianity[57] and the last lost his faith in the future of Judaism and in the possibility of Jewish survival.[58] And Hirsch could ill afford to admit his indebtedness to Hegel. Aside from the fact that it did not behoove the spokesman of Orthodoxy to give credit to a non-Jew for his new exposition of Judaism, there were certain elements in the philosophy of Hegel that were objectionable. Its Christian theological aspect was easily discernible; as Marx observed, the heart of the Hegelian philosophy is "the speculative expression of the Christian-Germanic dogma."[59]

[57] *Ibid.*, p. 10.

[58] *Ibid.*, p. 18. Zunz was critical of Hirsch: "Über Hirsch und Seinen Chorew Könnte man eine Kinoh machen"; Nahum N. Glatzer, *Leopold and Adelheid Zunz:An Account in Letters* (London, 1958), p. 109. Zunz, however, was mindful of Hirsch's influence: "Wenn ich auch nicht auf den grossen Hirsch vertraue, so schätze ich doch Seinen Einfluss auf sein Publikum nicht gering" (*ibid.*, p. 244).

[59] Quoted by Sidney Hook in *From Hegel to Marx*, p. 17, from Karl Marx, *Die heilige Familie*, p. 186.

Though Hirsch subscribed to many of Hegel's ideas and views, he was undoubtedly cognizant of the fact that Hegel considered Christianity the highest expression of religion. Hegel reconciled the oriental concept of God with the Greek concept of man and brought about the synthesis of the God-Man. Judaism at its best was merely an inferior preliminary forerunner of Christianity.[60] Hegel's uncomplimentary views on Judaism were well known, and an acknowledgment by Hirsch of Hegelian influence would have been detrimental to the popularity and acceptance of his exposition of Judaism in Jewish circles in general and in traditionalist circles in particular.

Aside from these specific considerations, Hirsch could not afford to credit any outside influence, for it was he who criticized Maimonides for having "entered into Judaism from *without,* bringing with him opinions of whose truth he had convinced himself from *extraneous* sources" (NL 182). An open confession by Hirsch that he too applied to Judaism a foreign, *extraneous* yardstick, especially a Christian one, would have made his exposition of Judaism a mockery in the eyes of the modernists and anathema to the traditionalists.

To what extent Hirsch continued to follow certain fundamental concepts of Hegelianism in his subsequent works is a substantial topic in itself. His involvement in the practical rabbinate, his clashes with the exponents of Reform, his unique unofficial status as the champion of Orthodoxy in Germany, and his separatist tactics, all had an enormous impact on his later philosophical, ideological, and methodological speculations. One may even suspect that the inability to develop his doctrinal system scientifically as well as to reinterpret Judaism along Hegelian lines may have caused him great chagrin, embarrassment, and frustration. This failure may have brought about some reconsideration of his youthful idealism and eagerness. In 1836, however, the young author of the *Neunzehn Briefe*

[60] S. H. Bergman, *Hogim U'ma'minim* (Tel Aviv, 1959), pp. 48-57; Richard Kroner, *Early Theological Writings* (Chicago, 1948), Introduction.

über Judentum von Ben Uziel was still under the great impact of Hegelian thought and methodology.

In spite of the fact that Hirsch never attributed any of his thoughts to Hegel or to the Jewish Hegelians of the *Kulturverein,* the implications were there. It was perhaps the trained eye and ear of the highly gifted anti-Hegelian, Heinrich Graetz, who was opposed to the leaders of the *Kulturverein,* that may have sensed the same Hegelian dialectic in personal conversations with Hirsch. Though the reason for the alienation between Hirsch and Graetz is not fully documented, it is, nevertheless, strange that the latter's fervor, boundless devotion, and great admiration should have cooled off after they had been such intimate friends. There is, therefore, good reason to suspect that the Hegelian spirit and the dialectic overtones that the sensitive Graetz may have perceived in his studies and conversations with the Ezra of his times brought about this disenchantment.[61]

In conclusion, another interesting question must likewise remain unanswered, namely, how could Hirsch, the exponent of traditional Judaism and a person of high religious and moral integrity, honestly and sincerely accept the views and methods of the outspoken Christian Hegel? It was perhaps the consciousness of his duty to reconstruct Judaism and save it from utter collapse that impelled him to overlook such considerations. In the closing pages of the *Nineteen Letters of Ben Uziel,* Hirsch tells of this overwhelming sense of duty. Speaking of his new approach, Hirsch asks:

> Will not some one whose sensitive spirit has been insulted and offended by rude audacity, be able to point to me as the—even though innocent—cause? . . .

[61] This assumption does not intend to minimize the fact that there were other causes that brought about the estrangement between Graetz and Hirsch, as can be gathered from M. Brann's extensive study, "Aus Graetzens Lehr und Wanderjahren," *Monatsschrift für Geschichte und Wissenschaft des Judentums,* LXII (1918), 231-261; LXIII (1919), 34-47, 343-363. There were some difficulties with Hirsch's wife; see Brann, p. 353; and Graetz' disillusionment with Hirsch as a person; see Brann, p. 360. As time went on Graetz even had misgivings about Hirsch's erudition; Brann, p. 362.

There is a question of duty. I see a child enveloped in flames; the bystanders are timidly inactive, or seek only to save the building. I see the child,—I rush in;—need I ask first my neighbor whether he, too, sees the child; have I the right to consider whether, in my hasty rush, I may not knock some neighbor bloody; may I even ask whether, in my haste to save the child, I am not hindering the task of saving the building or producing a draught, which may start the fire to fresh activity? "But suppose you see the child too late, and before you reach it the building falls with hiss and crash upon its poor head?"

Even if it should bury me, too, in its ruins, I would but have done my duty" (NL 216-217).

It may be that this all-consuming sense of duty, which dominated Hirsch completely, made him follow, with regard to Hegel and his philosophy, in the footsteps of Rabbi Meir. "He enjoyed its contents and threw away its skin."

RABBI JOSEPH COLON AND THE JEWISH BAN

By Harry Rabinowicz
London

IN the Middle Ages the ban, or excommunication (*cherem*), was the most powerful weapon in the hands of the Jewish authorities. In an age when the Synagogue was the hub of the community, the mere threat of the *cherem* would often suffice to subdue unruly elements. The weird ceremony, in which wax candles and the shofar were used, was intended to strike terror into the heart, and the words of the formula fell on the ears with the chill horror of a death sentence. "With the consent of the Omnipresent and the consent of the Beth Din of the rabbis of A. we solemnly declare that we place under the same ban that Joshua invoked against the city of Jericho, and under the same curse wherewith Elisha cursed his servant Gehazi, and under all the bans and curses that have been uttered since the days of Moses our Master until this day. . . ." Then followed the name of the victim.

At a time when the Synagogue provided the moral and social foundation of society, the *cherem* meant social ostracism and economic ruin for the person who came under it, as is evidenced by the following letter: "As soon as this decree of banishment will reach you, you will likewise excommunicate him, and make a public announcement that his bread is like the bread of Gentiles, his wine wine of oblation, his fruit untithed and his books books of sorcerers. And you shall cut off his show-fringes, remove his *mezuzah*, not call up his children in the synagogue, nor include him in the prescribed quorum for services, nor circumcise his infant, nor bury his deceased relative, nor let him join any of the prescribed or free associations, angrily exclude him from your midst, not do any business with him, pour a cup [of water] after him [as a sign of contempt], shut him out

Historia Judaica, XXII (1960).

of the community of the dispersion and treat him like a Gentile. Any community which will see this decree of banishment and not excommunicate him, [the Lord's] wrath shall rest upon it."[1]

Our sages list twenty-four different offences punishable by excommunication. These range from violating the second day of a holyday to putting a stumbling-block in the path of the blind, from working on the afternoon of the day preceding Passover to taking the Name of God in vain.[2] Of course, many scholars were well aware of the danger of misusing the ban. Solemnly and severely Maimonides warned those who were ready to excommunicate: "Although the power is given to the scholar to excommunicate a man who has slighted him, it is not praiseworthy for him to employ this means too frequently. He should rather shut his ears to the words of the ignorant and pay no attention to them, as Solomon in his wisdom said: 'Also take no heed unto all words that are spoken' [Eccl. VII. 21]. This was the custom of the early pious men, who would not answer when they heard themselves insulted but would forgive the insolent."[3]

These sentiments of Maimonides were echoed by Rabbi Israel b. Pethachiah Ashkenazi Isserlein (1390-1460), the Austrian talmudic scholar. He insisted that the ban should be used for lofty motives only and not for mere personal reasons,[4] and that "only a great authority should pronounce it."[5] "Therefore my heart tells me to give you good and sound advice," he writes, "do not take it into your mind to decree against or punish with the ban and excommunication

1 S. W. Baron, *The Jewish Community*, I (Philadelphia, 1942), 169; III, 37, n. 9; S. Assaf, *Ha-Oneshin ahre hatimat ha-Talmud* (Jerusalem, 1922), where the penalties at the disposal of medieval Jewish authorities are discussed.

2 *Talmud Bably*, Berachoth, 19a; *Yerushalmi*, Moed Katan, III. I; Maimonides, *Yad ha-Hazakah, Talmud Torah*, VI. 14; *Shulchan Aruch*, Yoreh Deah, 334, 43.

3 Maimonides, *op. cit.*, VII. 13.

4 *Terumath ha-Deshen* (ed. Venice, 1556), no. 274.

5 *Pesakim* (ed. Venice, 1546), nos. 174, 274.

any of your opponents whether they may be great or insignificant, few or many."[6]

These admonitions, however, were at times and even quite often unheeded. At length, the abuse was so widespread that it was remarkable if any rabbi did not resort to the ban.[7] Ruprecht von der Pfalz, the Elector Palatine of the Rhine (1352-1410), in a letter of appointment for a rabbi dated May 3, 1407, enumerates among the good qualities of the rabbi the fact that "he never excommunicates anyone."[8] It is not surprising, therefore, that serious attempts "were made to regulate the *cherem* and to limit the right of the rabbi or of the council of elders to excommunicate."[9] In 1374 the Parliament of Paris, too, demanded that the Jews "in our kingdom of France shall not make use among themselves of the aforementioned sentences and proclamations of *nidduy, samatha,* and *cherem.*"[10]

In the fifteenth century also, the *cherem* was widely used and even more widely misused. Scholars used it even against one another. Rabbi Moses Minz, for example, who held rabbinical posts in Nuremberg, Bamberg, and Poznan,[11] excommunicated Rabbi Durink for non-payment of a debt of ten gulden. Rabbi Israel b. Hayyim Bruna (1400-1480), at one time rabbi at Brünn (Brno, capital of Moravia), relates that he was once on the point of excommunicating a person for leaving the synagogue while he was preaching.[12]

Of course, there were also rabbis who realized the harm that was done when the *cherem* was employed indiscriminately. Among these was Rabbi Joseph Colon (1420-1480),

[6] Joseph b. Moses of Hochstadt, *Leket Yosher,* ed. by Jacob Freimann (Berlin, 1903-04), II, 77.

[7] *Pesakim,* no. 174.

[8] Moritz Stern, *König Ruprecht von der Pfalz in seinen Beziehungen zu den Juden* (Kiel, 1898), pp. xviii f.

[9] Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924), p. 7; Baron, *The Jewish Community,* II, 233.

[10] Baron, *op. cit.,* II, 233; cf. Armand Mossé, *Histoire des juifs d'Avignon et du Comtat Venaissin* (Paris, 1934), p. 145.

[11] Moses b. Isaac Minz, *Responsa* (Cracow, 1717), nos. 45, 109 and 114.

[12] Israel Bruna, *Responsa* (Stettin, 1860), no. 232.

who came of a French family and received his education in France. He did not settle in Italy until he had reached manhood. During his lifetime in Italy he was a pillar of talmudic learning and talmudic orthodoxy. The Yeshivah of Padua vied with the rabbinical schools of Erfurt, Nuremberg, and Ratisbon.[13] As in the early period of the Middle Ages the saying, "out of Bari goeth forth the law and the words of God from Otranto,"[14] was more than a rhetorical statement. Colon was no humanist. He was in no sense a child of his age and country as were so many famous Italian Jews including even some rabbis among his contemporaries. He belonged in spirit to the medieval Jewry of France and Germany, the Jewry of Rabbenu Tam, Rabbenu Asher, Rabbi Meir of Rothenberg, and others of the same mind. He had no objection to secular studies and lived on friendly terms with the fifteenth century rabbis Elijah Delmedigo and Samuel Modena, and for some time with Messer Leon. He was a talmudist pure and simple and it is in the sphere of talmudic learning that all his importance lies. His wide reading and complete mastery of the ancient authorities makes his Responsa a rich storehouse of Halachah.

Colon strongly objected to the indiscriminate use of the ban. He would employ it only in the cases mentioned and discussed as follows: First, to augment the power of the court. Though the Jews had internal autonomy, and each community had its own court (Beth Din) whose judges administered rabbinical law, the practice of resorting to non-Jewish courts was widespread. Colon, like all leading rabbinic authorities of the Middle Ages, endeavored to combat this tendency.[15] He vested great power in the Beth Din and its judges; if the summons of the court was ignored either by an individual or by a community, he would employ

[13] *Revue des Etudes Juives*, XXIV, 136.

[14] *Sepher ha-Yashar* (ed. Vienna, 1811), Responsum, 620; Abraham Ibn Daud, *Sepher ha-Cabbalah*, in A. Neubauer, *Mediaeval Jewish Chronicles*, I (Oxford, 1887).

[15] S. Assaf, *Bote ha-Din* (Jerusalem, 1924), p. 23.

the ban.[16] Thus he ratified the ban placed on the congregation of Würzburg for their refusal to appear before the court.[17] The Elders of Würzberg were involved in a dispute with a Rabbi Moses, one of their former residents, concerning taxes due to them. Rabbi Moses categorically refused to submit to the jurisdiction of the Beth Din of Würzburg but was willing to appear before Rabbi Aaron, a relative of Colon. The latter devotes his very first responsum to this case, dealing exhaustively with the whole controversial issue involved. There he states that, since Rabbi Moses is no longer a resident of Würzburg, he cannot be forced to submit to the jurisdiction of the Beth Din there. He supports fully the action of his relative Rabbi Aaron in his efforts to fight the "tyranny of the Elders." Colon would use the ban also where an individual in any way undermined the authority of the court,[18] or against anyone withholding testimony and causing a miscarriage of justice.[19]

Colon was also ready to use the ban against anyone who deviated from established customs. Rabbinical authorities have great respect for customs, to which they attach validity and importance. The Yerushalmi[20] states that "a custom uproots a law," which means that should a custom conflict with an established law, the custom takes precedence. R. Hai Gaon even says that it "is forbidden to transgress not merely a custom ordained by our sages but even a popular usage."[21] Colon's respect for all early authorities and his reluctance to deviate from any of their rulings made it difficult for him to give one preference over another. He even acquiesced in usages to which he personally objected,[22] saying: "We cannot forbid where it is customary to per-

16 Joseph Colon, *Responsa* (Venice, 1519), no. 57, 58, 116, 154.
17 *Ibid.*, no. 1.
18 *Ibid.*, no. 190.
19 *Ibid.*, nos. 191, 9.
20 *Yebamoth*, XII. I.
21 *Responsa Geonim*, ed. J. Musafia (Lyck, 1864), no. 14.
22 Colon, *op. cit.*, nos. 37, 39, 44, 115, 141.

mit."[23] He relates that he had serious thoughts of excommunicating people who introduced certain innovations with regard to *Gelilah*, that is, the ceremony of rolling up the Torah scroll after the reading of the Law.[24] He threatened with the ban one who would not perform the rite of *Halitzah*[25] and one who would not announce that he had found something in the synagogue, ignoring an old established enactment of Rabbi Gershon ben Judah of Mayence (960-1040).[26]

Thirdly, Colon resorted to the ban to uphold the dignity of the rabbinate. In the second half of the fifteenth century fixed salaries for rabbis were not yet a regular feature among European Jewry. But though their remuneration was not fixed, their functions and duties increased continually. They had to serve as preachers,[27] teachers,[28] judges,[29] and notaries.[30] Their precarious economic position and constant insecurity with respect to their livelihood, their fear of losing their position, these were at the root of the many quarrels and dissensions that broke out among the rabbis during the fifteenth century. In the words of Rabbi Jacob Weil: "In these days, owing to our manifold transgressions, understanding is diminished and many rabbis are ignorant. Many of them use the crown of the Torah for ulterior motives in pursuit of their own honor."[31] Many rabbis no longer inspired reverence.[32] In Neustadt Rabbi Meisterlen was thrust from the Reader's desk on the Day of

23 *Ibid.*, nos. 37, 141.

24 *Ibid.*, no. 54.

25 *Ibid.*, no. 102; Finkelstein, *Jewish Self-Government*, p. 58.

26 Colon, *op. cit.*, no 110.

27 Meir ben Isaac Katzenellenbogen, *Responsa* (Venice, 1553), nos. 40, 71; *Leket Yosher*, 71, 98, 113, 122, 143; cf. David Ibn Yaha's Responsum, in Alexander Marx, "Glimpses of the Life of an Italian Rabbi of the First Half of the Sixteenth Century," *Hebrew Union College Annual*, I (1924), 616.

28 Colon, *op. cit.*, nos. 72, 102, 106; Minz, *op. cit.*, nos. 80, 81; Marx, *loc. cit.*, pp. 620-623.

29 Katzenellenbogen, *op. cit.*, no. 40; Jacob ben Moses ha-Levi Molin, *Responsa* (Cracow, 1881), nos. 37, 35.

30 *Hebrew Union College Annual*, I, 613 f.

31 Jacob b. Judah Weil, *Responsa* (Hanau, 1610), no. 103.

32 *Ibid.*, no. 140.

Atonement.[33] Colon was not unaware of the situation. "It declined," he writes, "from the days of the Tannaim until we reach the Amoraim; and how much more has it declined in our case, since following after them we are of no significance."[34] Consequently, Colon was willing to use the ban against anyone who decided a halachic problem without being qualified.[35]

Fourthly, Colon employed the ban to uphold moral standards. Jews were not unaffected by the general decline in moral standards of the Renaissance. Evidence of this is furnished by the ordinance that several Jewish Italian communities felt obliged to enact at the beginning of the sixteenth century, when in their own words they "beheld the generation immersed in perjury and sexual transgressions even with married women." "They are quite indifferent," says the Takkanot of 1416, "to the heinousness of their sin."[36] Colon, too, testifies to the conditions prevailing in his day. "Owing to our manifold sins, those who transgress the precepts of the Torah are on the increase. Instead of strengthening the breaches and repairing the fences they break them down. Many are faithless."[37] Colon cites cases of adultery,[38] rape,[39] and enticement,[40] and the case of a man who married a woman who had been divorced on the suspicion of intimate relations between them.[41] Unflinchingly he excommunicated a man accused of intercourse with a married woman.[42]

Fifthly, Colon justified the use of the ban as a weapon against tyranny. As early as the beginning of the fifteenth

33 *Ibid.*
34 Colon, *op. cit.*, no. 163.
35 *Ibid.*, no. 83.
36 S. J. Halberstam, "Takkanot Kadmonioth," *Jubelschrift zum siebzigsten Geburtstage des Prof. Dr. H. Graetz* (Breslau, 1887), Hebrew Section, p. 57.
37 Colon, *op. cit.*, no. 63.
38 *Ibid.*, no. 168.
39 *Ibid.*, no. 129.
40 *Ibid.*, no. 168.
41 *Ibid.*, no. 135.
42 *Ibid.*

century it was enacted that "every community shall have a local commission which will look after the needs of that community, and such a commission shall have authority to make ordinances and regulations for the community."[43] Colon clearly defined the authority of the Elders. They had the power to enact measures to meet the exigencies of the time.[44] They could bar any Jew from taking up residence in their community. "Residence," says Colon, "cannot be confirmed without their permission."[45] They could also act in a judicial capacity.[46] Nevertheless, various claims of individuals against apparently arbitrary decisions of the community occupy a prominent place in Colon's Responsa.[47] He assigned supreme authority to the Elders in the systematic levy and collection of taxes, but at the same time he placed certain limitations on their power. The Elders could not promulgate any ordinance that was not equitable to all parties.[48] Anyone was at complete liberty to summon the Elders before the court if he felt that he had been unfairly assessed.[49] "Because they are in the majority," he writes, "are they to be robbers?"[50] The words of Rabbi Jacob Weil, too, are very revealing of the conditions prevailing in many communities. "On account of our sins a calamity has befallen most communities inasmuch as the Parnassim oppress and despotically rule the people. They do not work for the glory of Heaven but for their own advantage."[51] To fight against such tyranny Colon was willing to employ the ban.

Only in these five cases would Colon make use of the ban. Writing to Rabbi Israel Bruna, he says: "I have all my days stood at a distance when any dispute was involved.

43 Finkelstein, *op. cit.*, pp. 290 f.
44 Colon, *op. cit.*, no. 1.
45 *Ibid.*, no. 192.
46 *Ibid.*, no. 63.
47 *Ibid.*, nos. 2, 3, 95.
48 *Ibid.*, no. 1.
49 *Ibid.*, no. 17.
50 *Ibid.*, no. 1.
51 Weil, *op. cit.*, no. 173.

Especially do I refrain from using the ban for I do not take any delight in such matters. This is known to all my people."[52] He always pleaded for harmony and peace. When Rabbi Abraham Zacks, father-in-law of Rabbi Jacob Landau, author of the *Agur,* who had many enemies, called upon Colon to excommunicate those who had insulted him, Colon, after stressing the need for conclusive evidence, wrote him: "I would very much urge upon you that if the 'uncircumcised heart' be humbled you should become reconciled. Be not exacting. If the left hand thrusts aside, the right hand should bring near, for the disciples of the wise increase peace in the world."[53]

These sentiments of Colon, his reluctance to use the ban for personal motives, the high concept he had of the function and status of the scholar, these contrast most favorably with the attitude of his contemporary Rabbi Israel Bruna, who was vindictive and unyielding. When Rabbi Zalman insulted him, Bruna would not accept any apology but immediately resorted to the ban despite Zalman's willingness to appear before a court.[54] Bruna even cited the words of the ban: "Thou art now banned and segregated from the city and from every sacred matter. Thou mayest not be included in the quorum for prayer or for grace. No man shall have any dealings with thee in commerce or in intellectual pursuits. Nor may they sit within four cubits of thee."[55]

In his old age, however, Colon went even beyond Bruna. Not satisfied with mere invective, he excommunicated his opponent Rabbi Moses ben Elijah Capsali (1420-1495), the Haham Bashi of Sultan Mohammed II. Colon proclaimed: "I declare under penalty of the ban that he should not in any way be consulted. He is unworthy and ignorant. He

52 Colon, *op. cit.,* no. 93.
53 *Ibid.*
54 *Ibid.,* nos. 169, 170; Bruna, *op. cit.,* nos. 168-169.
55 Bruna, *op. cit.,* no. 278.

should not be addressed as Rabbi or Haber."[56] On his death bed, however, Colon adjured his son Perez to proceed to Constantinople and reconcile the man whom he had injured without cause.[57]

[56] Colon, *op. cit.*, no. 83; see this author's essay, "Joseph Colon and Moses Capsali," *Jewish Quarterly Review, XLVII* (1956-57), 336-344.

[57] *Ibid.*, p. 344.

REVIEW SECTION

Analysis of the Medieval Concept of Usury

THE SCHOLASTIC ANALYSIS OF USURY. By *John T. Noonan, Jr.* Harvard University Press. Cambridge, Massachusetts, 1957. xii and 432 pp.

DESPITE a voluminous literature, the history of usury in medieval practice and theory is still a subject that is far from being completely or satisfactorily elucidated. This is true of the general aspects of the problem as well as of its specifically Jewish facet. In recent years we owe important information on "The Teaching of the Canonists on Usury (XII-XIV) Centuries)" to T. P. McLaughlin (*Mediaeval Studies*, I [1939], 81-147, II [1940], 1-22). But the scholastic analysis of usury is for the first time discussed—and, it may be immediately added, in a scholarly and even exhaustive manner—in the book under review. Primarily a history of ideas, theological, legal, and economic concepts, it centers on the rational analysis of usury, which was the work of the scholastics, theologians, canonists, administrators, and saints from 1150 to 1750. Spanning thus a period of six hundred years, it presents the early theories and their modifications and evaluates their significance. Hitherto neglected medieval experts on usury, such as Alexander Lombard, Henry of Hesse, John Buridan, Nicholas of Oresme, John Gerson, Laurentius de Ridolfis, are given their rightful places in the history of the theory. The author, a doctor in scholastic philosophy from the Catholic University of America, a former editor of the *Harvard Law Review*, and at the present time a practicing lawyer, has mastered a wealth of material, both primary sources and the older as well as modern literature on the subject, in an excellent systematic and critical approach, with philosophical insight and legal-historical acumen. No doubt, his book can be considered a valuable contribution and will help to bring about a better understanding of the theoretical treatment of the problem in the medieval period and its further development particularly during the Renaissance.

The Jewish-historical aspects obviously are only subsidiary. The author mentions the Jews and the Lombards as "public usurers," the latter being Christian usurers named after their original homeland, Lombardy (pp. 34 f.). He adopts the opinion of the eminent Belgian historian, Henri Pirenne who, in his *Economic and Social History of Medieval Europe* (New York, 1937, pp. 133 ff.), states: "Compared with the efflorescence and ubiquity of Italian credit, that of the Jews appears

a very small affair and the part which they played in the Middle Ages has certainly been much exaggerated." Noonan refers to Pirenne's work without quoting this passage. However, he does quote and accept the assertion of a German historian of renown, Franz Schaub, in his *Der Kampf gegen den Zinswucher, ungerechten Preis und unlautern Handel im Mittelalter* (Freiburg, 1905), p. 167, that "the Jews voluntarily entered the money-lending business in the eleventh and twelfth centuries, well before there was any restriction on them forcing them into this business." Except for the undocumented remark that "the Jews did so because few Christians would openly compete with them," the author offers no proof. Somewhat contradictory is his statement that "fourteenth-century [non-Jewish] Florentine usurers charged thirty per cent. Forty-three-and-a-half per cent is not a remarkably high rate for the small-loan business." In this connection his is an interesting observation that "most modern American companies in the 1930's charged between 30 and 42 per cent."

Furthermore, the author mentions that, though the Jews were, of course, unaffected by excommunication, the penalty for usury, the Fourth Lateran Council directed the Christians to boycott them commercially and to hold them accountable to the Church for the taxes on Christian properties that came into their possession through usury (p. 35).

In the canon law, there was one exception to the prohibition against usury: "Ubi ius belli, ibi etiam ius usurae" (*Decretum Gratiani*, c. 14, qu. 4, c. 12). Most writers on canon law agree that Christians and Jews are not to consider each other enemies, and that the text authorizes neither group to take usury from the other. "This is affirmed particularly against Jewish appeals to the text as authorization to take usury of Christians," Noonan states, referring to medieval authorities such as Hostiensis (Cardinal Henricus de Segusia) and Alexander de Nevo (p. 102 and n. 9). True, Dr. Noonan mentions the point made in the *Glossa ordinaria* which interprets the canon as saying: "Ask usury of whom you wish to harm; but you should not desire to injure anyone, and therefore should not demand usury of anyone." Jewish history, however, teaches that in practice the approach to the problem differed greatly from theory, the Jews being considered outspoken "enemies of Christ," which means of Christendom. This view found expression also in secular law, which thus harmonized its own regulations with and adapted them to the above-mentioned canon of Church law. Hence, among the exceptions to the prohibition against usury enumerated in the Gloss to the *Sachsenspiegel*, the outstanding and widely influential medieval German lawbook, usury by Jews is not mentioned. However, one of the exceptions did permit Christians to take usury from Jews: "One may well take usury from Jews and heathen. Because they are our and our faith's enemies, we may well take possession of their goods,

according to *Decretum Gratiani*, c. 12, C. 14, q. 4, and c. 15, X, de haereticis, 5, 7"; for details see Guido Kisch, *The Jews in Medieval Germany: A Study of Their Legal and Social Status* (Chicago, 1949), pp. 456 f., 191-197, 327-329.

In his treatment of the various topics touched upon in the preceding discussion, as well as others that must be left unmentioned (cf. pp. 294 f.), the author relies for the most part on secondary source material, which, it must be said, he does not use uncritically. In evaluating modern theories and the teachings of contemporary scholars he displays judicious discrimination and sound criticism. Here again, only his discussion of Jewish history and Jewish authors can be dealt with. There is actually only one author with whom he takes issue. This is Benjamin Nelson and his book, *The Idea of Usury: From Tribal Brotherhood to Universal Otherhood* (Princeton, 1949) (Noonan on p. 102, n. 12, and especially pp. 400 f.). A summary of Nelson's thesis (pp. VII-VIII), as taken from Henry Sumner Maine and Max Weber, is restated by Noonan using in part Nelson's wording: "Originally men are united as brothers within the blood relations of a tribe, while they regard the men outside the tribe, 'the others,' as enemies, in relation to whom no ethical restrictions apply. Gradually, however, the religious sense of brotherhood within the tribe and the warlike exploitation of the stranger are both replaced by an economic calculus governing all relations. 'Brotherhood' now becomes competitive, not cooperative, at the same time that it becomes universal and not tribal. To use Nelson's slogan, 'all men become brothers' but by becoming equally 'others'." According to Nelson this general thesis is demonstrated by the history of the Jewish-Christian tradition on usury in the interpretation of Deuteronomy 23:19-26 in various periods. Nelson's book offers a historical account of the ideological attitude of Christian theology toward the Deuteronomic precept forbidding lending upon usury to brothers but permitting loans to strangers, from St. Jerome and St. Ambrose to Calvin and more recent leaders of religious thought. The history of various interpretations of the concept of usury by the theologians indicates, according to Nelson, the social development from the traditional Christian ideal of universal Brotherhood to "Universal Otherhood."

Nelson's theory must be dwelt here rather extensively for two reasons. First, his book was not reviewed in *Historia Judaica* upon publication because a competent reviewer could not be found at the time. Second, in almost all American scholarly journals on history and related subjects it received unbounded praise, as it did also in some European reviews; see, for example, Clemens Bauer in *Archiv für Reformationsgeschichte*, XLVI (1955), 257 f. To this writer's knowledge, there has been only one impressive and very scholarly contradiction

of Nelson's thesis, this by Charles H. George, "English Calvinist Opinion on Usury, 1600-1640," *Journal of the History of Ideas*, XVIII (1957), 455-474. George raised and substantiated three objections to Nelson, demonstrating that "it was decidedly not Calvinism in the form of any social or moral agency which rejected the essentials of the traditional Christian view of usury." Now, Noonan comes as second adverse critic, stating: "The soundness of Maine's and Weber's general position is not a subject to be investigated here. But Nelson's particular demonstration of it in regard to usury analysis is simply the manipulation of history in the interests of a thesis. Like William Lecky [*History of the Rise and Influence of the Spirit of Rationalism in Europe*, II (London, 1904), 258 ff.], he makes the cardinal error of treating interest and usury as identical. This basic confusion precludes any rational discussion of the growth or change of usury theory, which at all times and in all places assumed that under some conditions interest might be lawful. . . ."

This reviewer may be permitted to add the following remarks. The *Ideengeschichte* of usury during a millennium and a half is obviously of greatest significance to legal history. For this reason Dr. Noonan's work may be regarded as a very important contribution. Dr. Nelson's book, too, has its merits, however, to a more limited extent. But it is not enough to uncover the philosophical and theological foundations of the proscription of usury and to pursue their changing interpretation through the centuries. For a complete picture of the historical development and its full understanding, the study of the philosophy of the leading lawyers and legislators and the actual attitude of laws and law practice toward the problems posed by usury in general as well as by Jews is indispensable. Merely casual glimpses of the opinions of the great Italian jurists of the Middle Ages are found in the more recent literature on the subject; the rest of medieval and Renaissance Europe has not received attention. Only a systematic study of the concept of usury in secular law and legal theory can supplement and complete the picture. All of this still remains to be done. At the present time one still has to fall back on Max Neumann's as yet unsurpassed book, *Geschichte des Wuchers in Deutschland bis zur Begründung der heutigen Zinsengesetze* (1654) (Halle 1865) and Wilhelm Endemann's standard work, *Studien in der romanisch-kanonistischen Wirtschafts- und Rechtslehre bis gegen Ende des siebenzehnten Jahrhunderts* (2 vols., Berlin, 1874-1883).

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Cardinal Sadoleto and the Jews

JACOPO SADOLETO 1477-1547, HUMANIST AND REFORMER. By *Richard M. Douglas.* Harvard University Press. Cambridge, Mass., 1959. xvi and 307 pp.

JACOPO SADOLETO, papal secretary, Bishop of Carpentras and Cardinal of the Roman Curia, was a scholar of reputation and widely respected churchman. His significance, carefully described by the author on the basis of manuscript and printed source material, lies in the Italian Renaissance and in the Catholic Reform movement.

The interior of Provence, and particularly his diocese of Carpentras, had been a haven for persecuted Jews since the Middle Ages. There they enjoyed papal protection and were able to carry on their business as bankers under special privileges. Pope Clement VII oscillated between severity and indulgence toward the Jewish community. In August, 1524, he issued a bull restricting their prerogatives as creditors and curtailing their money-lending activities. The bull was not enforced, however, and by paying new taxes the Jews were able to recover their former commercial privileges. But tension between the bankers and the peasants in the county grew more serious as a natural consequence of the creditor-debtor relationship. Cardinal Sadoleto, though attached to the papal household, identified himself with the people of his diocese and argued the case of the debtors by writing what a contemporary called a "most elegant oration against the Jews." He was reluctant to make the paper public, but sent the first part of it to Clement VII when the Pope asked to see it (pp. 49, 254, n. 70). The document was never published, but judged from a summary preserved in contemporary correspondence, it appears to have condemned the Papacy for granting or selling privileges to Jews as severely as it did the Jews for exploiting their protected status. Yet Sadoleto's action does not seem to have been very successful, for in 1532 grievances flared up once more against cameral privileges granted to the Jews (p. 63). The Cardinal again, and also later renewed his struggle with the Jewish bankers who, according to his complaints, were laden with privileges which they bought "to fatten on the common people like wolves among cattle" (p. 181). As before, he failed to achieve the full success for which he was fighting. Pope Paul III's (1534-1549) friendly attitude towards the Jews is well known. Graetz speaks of Sadoleto as "ein beschränkter Bischof." With reference to the Jews, however, the Cardinal was less narrowminded than shrewd and hostile, and at the same time ignorant of the economic function they performed with their moneylending business.

It is to the credit of the author that, through his study and description of the churchman's activities against the Jews, he has supplemented to some extent our knowledge of that phase of Jewish history which

unfolded in the Southern-French region, although it had not been unknown to Graetz (cf. H. Graetz, *Geschichte der Juden*, IX, 4th ed. [Leipzig, 1907], 190, 250; Graetz, *History of the Jews*, IV, 515; Armand Mossé, *Histoire des juifs d'Avignon et du comtat Venaissin*, Paris, 1934, p. 81).

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A COMMENTARY ON ROSENZWEIG'S "STERN"

DIE EXISTENZPHILOSOPHIE FRANZ ROSENZWEIGS. Ein Beitrag zur Analyse seines Werkes "Der Stern der Erlösung." By *Else Freund*. Second revised edition. Felix Meiner. Hamburg, 1959. 196 pp.

FRANZ ROSENZWEIG's *Der Stern der Erlösung* is one of those difficult books which, in Klopstock's phrase, would wish to be praised less and read more diligently. The great author himself recognized the need for offering some guidance to its understanding and wrote the magnificent essay, *Das neue Denken*, and the *Büchlein vom gesunden und kranken Menschenverstand*. In a sense, Rosenzweig's entire literary work, especially his *Nachwort zu den Hymnen und Gedichten des Jehuda Halevi* and his essays on Bible translation, are a commentary on the *Stern;* one can gain an authentic impression of his deepest concerns in the *Stern* by viewing the entire range of his literary work. The task of providing a total impression, as it were, of Rosenzweig as a man and thinker was undertaken—and successfully accomplished—by Nahum N. Glatzer in his *Franz Rosenzweig: His Life and Thought* (New York, 1953). Else Freund's aim is a different one. Her book on Rosenzweig, which appeared in the Felix Meiner Verlag in 1933, seeks to analyze in considerable detail the *Stern* as such, to lay bare its historical antecedents, and to place it in the context of German philosophy to which it, indeed, belongs.

Freund's study of Rosenzweig is no doubt meant as a contribution to contemporary philosophy in general. The term *Existenzphilosophie*, which, at the time the book first appeared, was still brand new—it had been coined in 1929 by Fritz Heinemann—was a good label to affix to Rosenzweig's thinking. Alas, the book was deprived of its possible effect on wider circles by the forcible prevention of its circulation for "political reasons" (as stated rather euphemistically in the Publishers' Note to the new edition). It is therefore a matter of satisfaction that the book has now been re-edited, and one may confidently expect that due note will be taken of it both on the Jewish and on the larger scene

of thought. In external appearance the book has definitely gained by the change of format and type. As for content, care has been taken to incorporate the more recent literature on Rosenzweig and other thinkers concerned, and to add fresh observations in footnotes (indicated by asterisks; the footnotes to the first edition are at the end of the book). An index of names is provided.

It appears that the author did not regard it as necessary to change any of her earlier interpretations in the light of the development of the discussion on Rosenzweig, Schelling, and existentialism in general in the intervening twenty-six years. Yet some serious work has been accomplished during this period, and one could have wished to see more attention paid to it. Thus, Julius Guttmann's criticism of Rosenzweig's method of construction is too lightly brushed off (pp. 77-78). Above all, our deepened insight into Schelling through the work of Walter Schulz, Hermann Zeltner, Karl Jaspers, and Paul Tillich is only superficially acknowledged (pp. 13-14, 136). Yet the question whether or not Schelling's positive philosophy represents the fulfillment of German Idealism (cf. Walter Schulz, *Die Vollendung des deutschen Idealismus in der Spätphilosophie Schellings* [Stuttgart, 1955]) has a bearing on the correct evaluation of Rosenzweig's dependence on idealist philosophy. It is known how indebted to Schelling Rosenzweig considered himself to be—as does Heidegger, for example—and Else Freund rightly devotes the first chapter of her book to an analysis of Schelling's positive philosophy as the most important background factor in Rosenzweig's work. One misses, however, some of the incisiveness of analysis found in the more recent discussions referred to and necessary for a further elucidation of the in themselves often obscure, if not cryptic, utterances of Schelling (and Rosenzweig).

The close tie linking Rosenzweig to German Idealism in spite of and at the same time because of his rejection of it makes it imperative that any illuminative interpretation of Rosenzweig "translate" the language of Idealism into a less technical idiom of expression in which the underlying concerns are made apparent. This would seem to be possible only through the hard labor of penetrative analysis, and little gain can be hoped for by a mere retracing, however faithful, of the original. The book under review, therefore, falls somewhat short of its objective. Very few readers will be able to obtain a clear understanding of the difficult first book of the *Stern* with its "constructions" of the "elements" or of the second book with its theological concepts of the "realities" of creation, revelation, and redemption. These notions are presented in too compressed a manner to become meaningful in any adequate sense. Perhaps the time is not yet ripe for so ambitious an undertaking as the total presentation of Rosenzweig's philosophy. It would appear that further spade-work in partial and more clearly

defined areas is still a prerequisite. Yet for all these strictures and reservations, Else Freund's book remains a most valuable effort and, for the time being, the only serious presentation on a major scale of Franz Rosenzweig's philosophy.

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LITURGY AND MUSIC IN SYNAGOGUE AND CHURCH

THE SACRED BRIDGE. The Interdependence of Liturgy and Music in Synagogue and Church during the First Millennium. By *Eric Werner*. Columbia University Press. New York, 1959. Pp. xx and 618.

ERUDITION and acumen in a dozen disciplines, and in each at the highest level of scholarly proficiency, have gone into the writing of this book. So enormous is its scope, in range and in depth, no individual scholar who comes to mind, but only a panel of specialists would be capable of dealing with it critically. It is not a book for the hammock; technical language and close argument make high demands upon the reader. And yet the book as a whole can be read by a layman, not only with profit, but with pleasure; Dr. Werner carries his prodigious learning easily and sets it forth with grace and even wit.

The basic theme of the book is the music of the Jewish liturgy (including, of course, the cantillation of Scriptural texts), but in enucleating the history of music in the service of religion the author brings into play not only elements appropriate to musicology, including aspects of mathematics, aesthetics, and anthropology, but also the rise and development of liturgical forms in Christianity as well as in Judaism, with particular notice of the primitive Oriental communions, and beyond these the antecedents of both Jewish and Christian forms in Greece and in the ancient Near East. This involves not only expertise in all aspects of technical musicology and judgment and imagination in establishing links, but also close and direct familiarity with a wide variety of texts—rabbinic, it goes without saying, but pagan and patristic as well, as represented by both Greek and Latin Fathers and theorists.

Broad as this range is and thoroughly as the author has mastered the work of his predecessors in one specialty or another, at no point does his book give the impression of a compendium. At times he does correct or supplement earlier doctrine (always courteously and respectfully), and occasionally, as in the section on the Octoechos, he warns the reader that his own views are original, as it is proper he should.

What we have, then, is that extraordinary and highly useful thing, an encyclopedic work produced not by derivative scholars but by the hand of a great master himself.

For a reader primarily concerned with musical aspects of the liturgy this encyclopedic and original book is an indispensable guide and tool. But music is a central factor in cultural experience generally, and it can therefore serve as an index to notions of form, abstract ideas, aesthetic and philosophic sensitivity. Upon all these matters Dr. Werner offers judicious and enlightening comment; his remarks are well-informed and mature, and he never reduces phenomena to a Procrustean pattern of his own devising.

Most useful and interesting of all, perhaps, is the evidence for cultural interrelations which music affords. In the early centuries of Christianity the general movement of musical practices, as of liturgical structure, was from Judaism to Christianity, naturally with adaptations to suit a different doctrinal content; but the content of Jewish liturgical compositions similarly included pointed correctives to Christian parallels. To cite related pairs, both members of which are familiar, *U'netaneh tokef* and *Dies Irae* or *'Alenu* and *Te Deum Laudamus* serve parallel functions and in parallel contexts; the Christian form borrowed and adapted the Jewish, which in turn came to emphasize a particularly Jewish character. It is even possible to name specific *hazanim* who were converted to Christianity and carried Jewish techniques into new environments. In both Judaism and Christianity, it is interesting to note, the exuberance of cantorial virtuosity was always a problem, and in both religions there was constant effort to impose a curb. On the other hand, there are cases in each religion where the attraction of musical renditions won converts from the other. In later hymnody the movement of musical influence was generally from Christianity to Judaism.

There is special fascination in the use of actual musical, not alone liturgical, data in plotting the geographical movements and interrelations of various Jewish communities, east and west and south. But throughout history, from the beginning to this day, the consistent and unmistakable thread of blue is discernible in the varying strand. The image which Dr. Werner chooses for his title is very apt, for what we are shown is indeed a bridge; sometimes the finger posts point in one direction and sometimes in the other, but the bridge which separates also unites. The objectives and even the means of musical expression are so often identical that music is a uniting rather than a divisive force, and so an eloquent demonstration of the essential brotherhood of man. "The Judaeo-Christian heritage" is more than a polite phrase to be used at Brotherhood dinners.

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AUTONOMY AND COMMUNAL JEWISH DEBTS DURING THE FRENCH REVOLUTION OF 1789. By *Zosa Szajkowski.* Zosa Szajkowski, 200 West 108 St., New York, 1959, pp. x and 182.

THIS book consists of some chapters (partially rewritten) that were previously published, mainly in *Historia Judaica,* and others published here for the first time. Beginning with a short chapter describing the various Jewish communities in France before the Revolution (Chapter I), the author goes on to discuss both the attacks upon the Jewish community organization and the latter's activities during the Revolution (Chapters II and III). He then proceeds to describe the debts of the communities, their origin and impact, the struggle to annul (or nationalize) the debts, the pressure exerted on the Jews to repay them, for which purpose special organs were created (*commissions*) which in turn served as a Jewish communal framework after the official dissolution of the Jewish community organization following the French Revolution. Mr. Szajkowski shows also that it took many years to repay the Jewish debts, and he records the internal tensions and strife occurring among communities during the process. All in all, the small book gives a picture of the problems connected with the debts of the Kehilloth, the manner in which they were paid, and the impact of all this on Jewish life.

As usual, Mr. Szajkowski has collected a great deal of information from various sources (manuscript and printed) and was able to illustrate his presentation with many varied examples. But the sheer mass of information seems to be—at least in this reviewer's eyes—the author's undoing. He often lumps items together haphazardly without sufficient explanation to make them understood. Thus on page 29, in an attempt to explain the "origin of the debts" in Metz, he tells us that "during the 77 years covered by the periods 1605-1610, 1650-1660, 1700-1735, 1765-1780, and 1785-1789 [the sum total of the years seems to be 74 not 77] the budgets of the Jewish community in Metz aggregated 427,783 livres." "Aggregated" here apparently does not mean for the whole period of 77 (or 74 years) nor does it mean annually. In the same paragraph we learn that in some of the above-mentioned years (1785-1789) the "average annual expenses amounted to 108,479 livres 10s whereas average income was only 69,086 livres 11s 6d." (The total of these 5 or 6 years is higher than the whole "aggregated" sum mentioned earlier for 77 or 74 years.) Again a few lines further on, we read that in the same period (1785-1789) each of the 410 Jewish families "paid over 360 livres of Jewish community taxes." This amounts to approximately 144,600 livres (annually or for the entire 5 years?), which again does not tally either with earlier mentioned expenses for these years or with average annual income or deficit. Figures have mean-

ing as illustrations only if they are related one to another and are handled properly (or are there so many misprints?).

Yet another, more important problem is that of frame of reference. Mr. Szajkowski seems to follow the line of Jewish Marxist historiography, which regards the Jewish community organizations throughout the ages as largely government "agencies for collectin taxes" (p. 136). In truth, in most countries—and France was apparently no exception—the Jewish community organization consisted of two elements with two groups of functions: (a) the legal framework given by the authorities as a tax collecting—often also policing—agency; (b) internal Jewish functions—autonomy—not only in terms of defense, but also for the fulfillment of many needs (religious, educational, social, legal [law dispensation and enforcement], economic, and others). The Jews considered the latter group of functions to be at least as important as, if not superior to, the former. In every country Jews made an attempt to continue these functions—with varying success—after the legal framework had been annulled in the wake of Emancipation and Enlightenment. External records also are no basis for gauging the content of community activity or the attitudes of its leaders.

These reservations, however, do not greatly detract from the contribution of the author in making available materials about Jewish communities in France in the period of transition during the French Revolution.

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A systematically arranged bibliography of all writings in the German language concerning Jews and Judaism of the last one and a half decades. The catastrophe of European Jewry is given special attention. For each book still in print the sale price is indicated in addition to publisher and year of appearance. G.K.

NECROLOGUE

PHILIP FRIEDMAN

1901-1960

UNTIMELY DEATH deprived scholarship in modern Jewish history of a learned, devoted, and modest research worker: Philip Friedman, born April 27, 1901 in the then Galician city of Lemberg (under Polish rule called Lwów), died on February 7, in New York City. After having studied history and philosophy at the University of Vienna, where he received a Ph.D. in 1925, he taught at various colleges in Lodz and Warsaw. His doctoral thesis was published under the title, *Die galizischen Juden im Kampfe um ihre Gleichberechtigung* 1848-1868 (Frankfurt a. M., 1929). In Vienna the distinction of publication was accorded only to especially meritorious dissertations.

The Second World War put a temporary end to Dr. Friedman's career as a historian. During the German occupation of Poland he was for a time in hiding with the underground, but was finally apprehended and confined in a concentration camp where most of his close relatives perished. After the war he served as director of the Central Jewish Historical Commission in Poland, collecting eyewitness accounts of the experiences of the Jews and recovering documents of historical interest. In 1946 Communist pressure forced him to leave his native country. After working on several post-war projects and missions in Paris and Germany, he arrived in the United States. Here, he became, first, a research fellow in Jewish studies and then lecturer at Columbia University, director of the Jewish People's University, and director of research at Yivo Institute for Jewish Research.

Dr. Friedman confined his studies entirely to research in the persecution of Jews and their fate during the Nazi rule in Europe. In addition to numerous articles, book reviews, and documents that appeared in almost all journals and scholarly as well as popular periodicals devoted to history, he published two well-documented books, impressive for their subject and fine presentation, *Martyrs and Fighters: The Epic of the Warsaw Ghetto* (1954), and *Their Brothers' Keepers* (1957). The latter, reviewed in this journal (XX, 1958, 141-142) by Professor Sol Liptzin, relates the story of the non-Jewish humanitarians who risked life and liberty to help Jews during the tragic years of the Nazi holocaust.

Historia Judaica counted Dr. Friedman among its literary contributors. Besides reviews of works in his special area of research, he published an important and valuable study, "The Jewish Badge and the Yellow Star in the Nazi Era" (XVII, 1955, 41-70).

Unfortunately, Dr. Friedman did not live to see in print his life work, *Guide to Jewish History under Nazi Impact*, a comprehensive

annotated bibliography compiled in collaboration with Jacob Robinson.

His work in the field of recent Jewish history will be sorely missed, as the friendly and obliging co-worker is mourned by his colleagues and numerous friends.

GUIDO KISCH

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WEST EUROPEAN JEWRY IN THE AGE OF MERCANTILISM

An Economic Interpretation

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I

The Medieval Background

PRIOR to the French Revolution, Jewish enterprise impinged significantly on the economic development of Western civilization during two eras—the early Middle Ages (c. 900-1150) and the Age of Mercantilism (c. 1600-1790). On March 30, 1492, when Ferdinand and Isabella of Spain appended their signatures to the edict expelling all Jews from their recently united kingdom, they were ringing down the curtain on the first of these phases and preparing the stage for the opening of the second.

In early medieval times, the prevailing enmity between the Christian West and the Moslem East had provided ample scope for the enterpreneurial energies of Jewish middlemen. Before the Crusades Radanite[1] merchants handled a very considerable share of long-distance commerce overland[2] as

[1] A term probably Persian in origin, from *rah dan* ("knowing the way"). M. J. de Goeje, "International Handelsverkeer in de Middeleeuwen," *Verslagen en Mededeelingen der Koninklijke Akademie van Wetenschappen,* Afdeeling Letterkunde, ser. 4, IX (1909), 256.

[2] J. Brutzkus, "Trade with Eastern Europe, 800-1200," *Economic History Review,* old ser. XIII (1943), 31-41.

well as across the Mediterranean,[3] displaying a business acumen far in advance of the times.[4] By the twelfth century they had become specialized factors, serving in Venice as agents for Byzantine business houses,[5] handling much of the foreign commerce of Aragon,[6] and introducing improved credit and banking techniques at the fairs of Champagne.[7] Moreover, both in southern France[8] and in England[9] Jewish professional moneylenders were pre-eminent,[10] while Castilian manufacturing rested in large measure on the skills of Jewish craftsmen.[11]

These Jewish businessmen of western and Mediterranean Europe were practically the only group whose material welfare grew progressively worse during the centuries of the Crusades. As religious intolerance grew, fostered by the campaigns against Islam, as the Church introduced measures to combat "usury,"[12] and, most important of all,

[3] M. Arkin, "Jewish Traders in the Medieval Mediterranean World," *South African Jewish Chronicle,* Rosh Hashona Annual, 1959, pp. 29-31.

[4] Some of the reasons for Jewish commercial ascendancy in the early Middle Ages are discussed in R. S. Lopez, "Du marché temporaire à la colonie permanente," *Annales: Economies, Sociétés, Civilisations,* IV (1949), 389-405.

[5] P. Molmenti, *Venice: Its Individual Growth from the Earliest Beginnings to the Fall of the Republic* (Chicago, 1906), I, 193.

[6] *Cambridge Economic History of Europe,* II, 303.

[7] "Champagne," *Standard Jewish Encyclopaedia,* ed. C. Roth (London, 1959); P. Boissonnade, *Life and Work in Medieval Europe* (London, 1937), pp. 170-171.

[8] R. W. Emery, *The Jews of Perpignan: An Economic Study Based on Notarial Records* (New York, 1959), pp. 26 ff.; S. Kahn, "Documents inédits sur les juifs de Montpellier au Moyen Age," *Revue des etudes juives,* XIX (1889), 259-281; XXII (1891), 264-279; XXVIII (1894), 118-141; M. Arkin, "The Jewish Moneylenders of Roussillon," *Jewish Affairs* XV, No. 1 (Johannesburg, January, 1960), 9-13.

[9] See, for example, J. Jacobs' paper on the activities of Aaron of Lincoln (d. c. 1185), *Transactions, Jewish Historical Society of England,* III (1929).

[10] Jewish moneylending was economically useful as it furnished credit to a society much in need of such facilities, and in view of the shortage of capital and the risks involved, the interest charged was relatively moderate. I. Loeb, "Reflexions sur les juifs," *Revue des études juives,* XXVIII (1894), 1-31; G. Kisch, "The Jews' Function in the Medieval Evolution of Economic Life," *Historia Judaica,* VI (1944), 1-12.

[11] A. Neuman, *The Jews of Spain* (Philadelphia, 1944), I, 166 f.

[12] The term covered virtually every transaction in which more was received than had been paid out. J. Parkes, *The Jew in the Medieval Community* (London, 1938), Pt. III; J. T. Noonan, *The Scholastic Analysis of Usury* (Cambridge, Mass., 1957), pp. 34-35.

as Christian competitors began mastering the techniques of an expanding exchange economy, there followed a general tightening up of discriminatory measures, in the course of which individual Jewish merchants, financiers, and artisans survived by exception and privilege rather than by natural right. At a time when Venice was prospering by exploiting the Crusades to serve her own ends, her Jewish inhabitants received neither the benefits of citizenship nor the concessions of alien traders and were excluded from many spheres of business;[13] in rival Genoa, the Jewish community was reduced to eking out a precarious existence on the margin of popular forbearance;[14] and in Florence Jews were excluded entirely from participating in that city's enormous foreign wholesale trade.[15]

Such phenomena were soon being repeated in the lands of the West, and to England's Edward I belongs the dubious distinction of being the first European ruler to lift "the Jewish question" out of the political caldron by the simple expedient of complete expulsion in 1290, when religion was used as a knife to cut an intricate economic knot that he could undo in no other way.[16] In France, with the outbreak of the Hundred Years' War, the Jews—in common with other "unnational" elements, like the Knights Templar—had outlived their economic usefulness to the Crown, and by the close of the fourteenth century, after a series of mass banishments, organized Jewish communal life had disappeared from that country.[17]

These were the precedents that Ferdinand and Isabella

[13] Cf. R. S. Lopez and I. W. Raymond, *Medieval Trade in the Mediterranean World: Illustrative Documents* (London, 1955), pp. 104-105.

[14] J. T. Bent, *Genoa: How the Republic Rose and Fell* (London, 1881), p. 19.

[15] E. Staley, *The Guilds of Florence* (London, 1906), pp. 573-574; O. C. Cox, *The Foundations of Capitalism* (London, 1959), pp. 168-169.

[16] P. Elman, "The Economic Causes of the Expulsion of the Jews in 1920," *Economic History Review*, old ser. VII (1937), 145-154; M. Arkin, "When the Jewish Goose Stopped Laying Golden Eggs," *Jewish Affairs* (Johannesburg), X, No. 3 (March, 1955), 16-20.

[17] H. Pirenne, *Economic and Social History of Medieval Europe* (London, 1937), pp. 134-135; *Cambridge Medieval History* (eds. Tanner, Previté-Orton, and Brooke), VII, 657.

followed on a much larger and more tragic scale in 1492, when, owing to urgent and special financial circumstances,[18] they acquiesced in the designs of Torquemada and his henchmen. The expulsion from Spain, therefore, was merely the culmination of a process that had been gathering momentum wherever and whenever Christian competitors were able to direct political and religious pressures against Jewish rivals. But if economic factors were often at the root of such catastrophic social upheavals, subsequently altered economic circumstances engendered by the coalescence of the national state concept were to be responsible for the restoration of several prosperous Jewish communities in western Europe.

II

Mercantilism and Jewish Resettlement

The rise of the centrally governed national state coincided with the emergence of mercantilism, whose advocates stressed that the accumulation of treasure and the securing of a favorable trade balance were essential both for prosperity and for ascendancy over rival powers.[19] Such policies could not fail to affect the status of the descendants of the expelled Jews, now to be found in the Rhenish principalities, favorable spots in Italy (such as the free port of Leghorn),[20] and particularly in Barbary Africa and the lands of the

[18] M. Arkin, "The Economic Background to the Expulsion of Spanish Jewry," *Jewish Affairs*, (Johannesburg), XII, No. 9 (Sept. 1957), 30-36.

[19] This definition is a dangerous over-simplification of a highly complex and fluid set of policies that were classified and analyzed at length by the late Eli Heckscher in *Mercantilism* (rev. 2nd ed.; London, 1955). In spite of this masterly survey, economic historians are still by no means in full agreement about the nature or peculiar content of the subject. Recent contributions to the debate include J. Viner, "Power versus Plenty as Objectives of Foreign Policy in the Seventeenth and Eighteenth Centuries," *World Politics*, I (Oct. 1948), 1-29; C. Wilson, *Profit and Power* (London, 1957); D. C. Coleman, "Eli Heckscher and the Idea of Mercantilism," *Scandinavian Economic History Review* (Uppsala), V, No. 1 (1957), 3-25.

[20] C. Roth, "Notes sur les Marranes de Livourne," *Revue des études juives*, XCI (1931), 1-27.

Ottoman Empire. In addition, the mercantile system was to exert a special influence on the destiny of the Marranos.[21]

At the beginning of the mercantilist era, having dispensed with Jewish services, the Iberian governments believed they had found the elixir of perpetual prosperity when, following on the voyages of oceanic discovery, they had come to control vast colonial territories with abundant spice and mineral resources.[22] Their northern neighbors, on the other hand, the French, the Dutch, and the English, without the silver mines of Mexico and Peru, the gold of Brazil, or the pepper of Malabar, felt the need to acquire treasure by indirect means, that is, by fostering manufacturing industries and carrying services to increase exports and curtail imports.[23] The resultant intense rivalry to promote national self-sufficiency and gain foreign markets led to a cumulative striving for large populations, with every additional worker becoming a potential front-line fighter in this "war" for gold and silver.[24] Hence, a basic tenet of policy was to encourage the immigration and permanent settlement of economically useful aliens, who not only would strengthen the country by introducing new techniques and special skills, but would, at the same time, impoverish rivals by depriving them of an equivalent amount of human resources.[25]

On the basis of this reasoning on the positive and negative advantages of state-sponsored immigration, even Jews were welcome and came to be offered limited hospitality. As owners of capital, as skilled artisans and industrial enterpreneurs, and, especially, as merchants with commercial contacts and family ties in distant markets, they could well constitute an additional source of national economic power.

[21] I. e., those Jews forced by the Inquisition outwardly to profess Catholicism, while secretly remaining faithful to their own religion.

[22] A. G. Keller, *Colonization: A Study of the Founding of New Societies* (New York, 1908), chs. iii-vii.

[23] A classic exposition of this thesis was Thomas Mun's tract, *England's Treasure by Foreign Trade* (London, 1664).

[24] L. B. Packard, *The Commercial Revolution* (London, 1930), pp. 34 ff.

[25] E. A. J. Johnson, *Predecessors of Adam Smith* (London, 1937), pp. 253-254.

Accordingly, in northwest Europe the mercantilist era "was an age of comparative religious toleration because such toleration usually proved more profitable. The divisions of theology were less compelling now than the multiplication of revenues."[26]

By the early seventeenth century, it had become apparent that the transatlantic silver flotillas of Spain and the Portuguese spice fleets were failing in their task of replenishing the national treasuries,[27] whereas the northern states were making rapid strides in their more solid programs of industrial and trade expansion.[28] Iberian economic decay was already marked when the Madrid and Lisbon authorities started issuing decrees forbidding further Marrano emigration;[29] however, such laws seldom succeeded in preventing the flight of these "New Christians" with their fortunes, especially when confronted with the prospect of an *auto-da-fé*. This Marrano dispersion was probably no less important in fermenting capitalist enterprise and economic progress during the Age of Mercantilism than the parallel migratory movements of Huguenots and Puritans.[30]

Part of the stream of Marrano migration was directed to the seaports of southern France, notably Marseilles, Bordeaux, and Bayonne. For many decades the influx continued with little interference as long as the immigrants called themselves Christians. Once in France, however, there was no vigilant supervision of their conduct, and they began reverting more and more openly to their ancestral faith and social traditions. By the close of the seventeenth

[26] H. M. Sachar, *The Course of Modern Jewish History* (London, 1958), pp. 37; cf. Heckscher, *op. cit.*, II, 305.

[27] E. J. Hamilton, *American Treasure and the Price Revolution in Spain, 1501-1650* (Cambridge, Mass., 1934), Pt. II; H. V. Livermore, *A History of Portugal* (Cambridge, 1947), ch. xvii.

[28] J. U. Nef, "A Comparison of Industrial Growth in France and England from 1540 to 1640," *Journal of Political Economy*, XLIV (1936), 289-317, 505-533, 643-666; G. D. Ramsay, *English Overseas Trade during the Centuries of Emergence* (London, 1957); Violet Barbour, *Capitalism in Amsterdam in the Seventeenth Century* (Baltimore, 1950).

[29] S. W. Baron, *A Social and Religious History of the Jews* (1st ed.; New York, 1937), II, 186-187; S. de Madariaga, *Spain* (London, 1942) p. 190.

[30] Cf. C. Roth, *A History of the Marranos* (Philadelphia, 1934), *passim*.

century the official appellation of "New Christian" had become an empty formality, and an organized communal pattern had re-emerged in France with scarcely any disguises.[31]

Meanwhile, as religious intolerance mounted in the southern Netherlands, the Marranos of Antwerp started moving towards Amsterdam, which had become Europe's *entrepôt par excellence* as well as the financial hub of the Continent.[32] By the early decades of the seventeenth century, with the Holy Office becoming increasingly hostile, a direct migration of Marranos from Portugal to Holland was under way, and soon these fugitives were joined by Ashkenazic Jews fleeing the havoc of the Thirty Years' War and the ravages of the Chmielnicki persecutions.[33] Thus, by the close of that century, Amsterdam Jewry topped the 10,000-mark (comprising more than 5 per cent of the city's population) and was playing an increasingly active role in the teeming economic life of the Dutch Republic.[34]

In England, after the Edict of 1290, the historical vacuum had never been absolute, for individual Jewish traders paid fleeting visits to the country throughout the next two hundred years in the company of parties of Italian and Flemish merchants.[35] By the time of the setting up of the Protectorate, a small Marrano colony was established permanently in London. "All its members were respected merchants, and some of them were exceedingly wealthy. They owned a considerable amount of shipping, and their transactions extended to the Netherlands, France, Spain, Portugal, the Canary Islands, Italy, Syria, Brazil, and the East and West Indies. They dealt in bullion, cloth, wool,

[31] M. Arkin, "Mercantilism and the Jews of France," *Jewish Affairs* (Johannesburg), XII, No. 5 (May, 1957), 37-42.

[32] C. E. Fayle, *A Short History of the World's Shipping Industry* (London, 1933), ch. vi; J. G. van Dillen, "The Bank of Amsterdam," in *History of the Principal Public Banks,* ed. van Dillen (The Hague, 1933), pp. 79-124.

[33] H. I. Bloom, *Economic Activities of the Jews of Amsterdam* (Williamsport, Pa., 1937), ch. i.

[34] M. Arkin, "Amsterdam Jewry during the Age of Mercantilism," *South African Jewish Chronicle,* Rosh Hashona Annual, 1957, pp. 47 ff.

[35] C. Roth, *A History of the Jews in England* (Oxford, 1941), ch. vi.

wine, hides, sugar, corn, timber and other important commodities."[36] Since the Cromwellian government differed little from its predecessors in its adherence to orthodox mercantilist tenets, these Marrano activities dovetailed admirably with the program of stimulating an outflow of home-produced goods to secure a favorable trade balance.[37] Moreover, the neo-Elizabethan efforts of Cromwell's navy to ease the administration's financial difficulties by seizing the Spanish silver fleets were assisted greatly by the detailed knowledge the recent arrivals had about the organization of the transatlantic treasure traffic.[38] It appears, then, that Cromwell and his advisers were attracted more by the potential commercial value of Jewish resettlement than by any religious or humanitarian feelings flowing from their Puritan outlook. The text of the Privy Council's famous authorization of Jewish residence (August, 1664) suggests that the ministers of Charles II who followed Cromwell held similar views and that the restoration of Anglo-Jewry which ensued was essentially economic in character.[39]

Thus, as a result of circumstances created by the application of mercantilist doctrines, the late seventeenth and early eighteenth centuries witnessed western European Jewry playing a role of growing economic importance. It was a state of affairs that had come to be widely accepted, one that Joseph Addison—though perhaps with a measure of hyperbole—was to epitomize in a much read essay: "They

[36] Margaret James, *Social Problems and Policy during the Puritan Revolution*, 1640-1660 (London, 1930), p. 188. At the head of this crypto-community was Antonio Fernandez Carvajal; see L. Wolf, "The First English Jew," *Transactions, Jewish Historical Society of England*, II, 14-46.

[37] When Menasseh ben Israel presented his petition to the Lord Protector, he bolstered his Messianic arguments with a strong dose of economic realism, which apparently convinced Cromwell that the re-admission of the Jews could be a highly effective means of transplanting a slice of Dutch prosperity to English soil; cf. L. Wolf, *Menasseh ben Israel's Mission to Cromwell* (London, 1901), pp. 78 ff.; C. Roth, "New Light on the Resettlement," *Transactions, Jewish Historical Society of England*, XI, pp. 112-142.

[38] M. P. Ashley, *Financial and Commercial Policy under the Cromwellian Protectorate* (London, 1934), pp. 2-3.

[39] A. M. Hyamson, *A History of the Jews in England* (London, 1928), chs. xvii-xx; D. Patinkin, "Mercantilism and the Readmission of the Jews to England," *Jewish Social Studies*, VIII (1946), pp. 161-178.

[the Jews] are so disseminated through all the trading Parts of the World, that they are become the Instruments by which the most distant Nations converse with one another, and by which Mankind are knit together in a general Correspondence. They are like the Pegs and Nails in a great Building, which, though they are but little valued in themselves, are absolutely necessary to keep the whole Frame together."[40]

III

Economic Activities

To what extent were Addison's comments justified? It is, of course, a notoriously difficult business to arrive at a concrete appraisal of the contribution made by any particular ethnic group to economic progress in a diverse society, and the question of estimating the Jewish share in economic development during the Age of Mercantilism is beset by its own special problems of evaluation and interpretation. In what follows, therefore, it is possible only to skirt around some of the more obvious Jewish business activities without any detailed filling-in of the picture.

As far as industrial pursuits were concerned, it was to be expected that Jewish manufacturers, in the main, would be attracted to new types of enterprise where there were no established vested interests (such as craft guilds) to hamper their progress. But neither in France nor in England did they often rise to positions of prominence in this sphere, although Languedoc had its Jewish tobacco blenders and London its Jewish engravers, silversmiths, and glass-workers.[41] In Amsterdam, however, "Portuguese merchants of the Jewish nation," became the major sugar refiners, established and largely controlled the city's diamond-

[40] *The Spectator*, No. 495, Saturday, 27 Sept. 1712 (*Everyman's Library* ed., IV, 65).

[41] J. Decourcelle, *La Condition des juifs de Nice aux 17e et 18e siècles* (Paris, 1923), pp. 38, 41; M. D. George, *London Life in the 18th century* (London, 1925), pp. 125-132.

cutting industry, and played an active part in the printing business; in all these occupations, it was the poorer German and Polish Jews who generally performed the unskilled tasks for their Sephardic employers.[42]

It was in foreign trade, however—as Addison suggested—that the most enterprising carved a special niche for themselves. One immediate consequence of the Marrano influx into southern France was a notable increase in business contacts across the Mediterranean with North Africa.[43] The central authorities were quick to appreciate the benefits stemming from the commercial aptitudes of these merchants, and in 1668 Louis XIV extended an offer of protection and privileges to the Jews of Leghorn to induce them to move to Marseilles.[44] A few years later Jewish traders had become especially active in the wine traffic centered in Bordeaux.[45]

Contemporary and near-contemporary Dutch writers[46] held that it was the Jews of Amsterdam who first established relations between the United Provinces and the Levant, employing their co-religionists in Smyrna, Constantinople, and Aleppo as brokers, commission agents, and interpreters. Throughout the mercantilist era, too, Dutch-Jewish firms were busily engaged in sea trade with Hamburg, maintaining a number of branch offices in the German port and playing a prominent role in the establishment of the Bank of Hamburg.[47] Although the Amsterdam community was relatively inactive in Far Eastern commerce (partly because the Chinese in Java were too firmly entrenched as middlemen), it did participate extensively in the New World

[42] Bloom, *op. cit.*, pp. 36-61.

[43] J. Weyl, "Les Juifs protégés français aux echelles du Levant et en Barbarie," *Revue des etudes juives* XII (1886).

[44] M. Bloch, *Les Juifs et la prosperitié publique à travers l'histoire* (Paris, 1889), p. 11.

[45] T. Malvezin, *Histoire des juifs à Bordeaux* (Bordeaux, 1875), pp. 132-175.

[46] E.g., F. M. Janiçon, *De tegenwoordige Staat der Vereenigde Nederlanden* (The Hague, 1731), II, 302; Jan Wagenaar, *Amsterdam in zijne Opkomst* . . . (Amsterdam, 1760-68), IX, 415.

[47] A. Cassuto, "Jubileum der Portugeesche Gemeente in Hamburg, 1652-1927," *De Vrijdagavond* (Amsterdam), 14 Oct. 1927; van Dillen, *op. cit.*, p. 127.

trading ventures of the West India Company.[48] In short, wherever conditions were at all favorable, Amsterdam Jewry made a not insignificant contribution to the prosperity of a republic that had become the envy of Europe's mercantilist statesmen.

Until 1651 the Jews of Holland were able to carry on a profitable trade with the English colonies in the West Indies, importing raw sugar for refining in Amsterdam and exporting both Dutch and English manufactured goods in exchange. However, when Jewish commercial elements in the United Provinces began to feel the crippling effects of the Navigation Act,[49] they grew anxious to secure a foothold in London and thus be in a position to continue their transatlantic trading activities within the framework of the English mercantilist shipping laws. It was this anxiety that helped to set in motion the train of events culminating in Cromwell's tacit readmission of 1656.[50] By the close of the century, Jewish settlers from Amsterdam had firmly consolidated their position in London's commercial life and were carrying on a considerable foreign trade, especially with the other principal centers of the Marrano diaspora in the Old World and the New.[51]

Closely associated with such participation in long-distance oceanic commerce was the impact of the Jews on international finance and banking. In France the scope of their activity in this area was severely circumscribed because finance capitalism itself had its growth curtailed by the very backward state of the money market in a country where it was more profitable to become a tax farmer than a private

[48] Bloom, *op. cit.*, pp. 124-169; M. Arkin, "Jewish Economic Activities in Colonial Brazil," *Jewish Affairs* (Johannesburg), XII, No. 7 (July, 1957), 25-30.

[49] Cromwell's Act of 1651 had been designed essentially to injure the carrying and entrepôt trade of the Dutch; L. A. Harper, *The English Navigation Laws* (New York, 1939), pp. 48-49.

[50] M. Arkin, "The Economic Background to the Restoration of Anglo-Jewry," *Jewish Affairs* (Johannesburg), X, No. 4 (April, 1955), pp. 22-26.

[51] L. Wolf, "The Jewry of the Restoration," *Transactions, Jewish Historical Society of England*, V, 5-34; Roth, *Jews in England*, pp. 192-193; Ramsay, *op. cit.*, pp. 238-239.

banker.[52] But in Rouen Jewish brokers participated in foreign-bill-of-exchange dealings and in financing a three-way traffic in goods with Amsterdam and Hamburg.[53]

In Amsterdam itself, Sephardic names comprised more than 15 per cent of the Bank's accounts at the close of the seventeenth century,[54] by which time, too, Jews were prominent on the executive committee of the Exchange, where techniques mastered originally on the Antwerp *Bourse* stood them in good stead.[55] Not only were they among the foremost bill brokers, bullion dealers, and private bankers in Holland, but from their ranks emerged several distinguished writers in the field of monetary theory.[56]

Although the brothers Da Silva were entrusted with the transmission and management of Catherine of Braganza's dowry when she married Charles II,[57] in the purely financial sphere London Jewry remained overshadowed until the close of the seventeenth century by the local goldsmith-bankers.[58] However, in spite of some recent studies that have tended to minimize the subsequent influence of Dutch-Jewish settlers on the rise of the London money market,[59] there has always been general agreement that Jewish immigrants from the Netherlands during the middle

[52] H. Sée, *Modern Capitalism: Its Origin and Evolution* (New York, 1928), pp. 70-72; G. Renard and G. Weulersse, *Life and Work in Modern Europe* (London, 1926), pp. 147-150.

[53] C. Roth, "Les Marranes à Rouen," *Revue des études juives*, LXXXVIII (1929), pp. 113-155.

[54] J. G. van Dillen, "Vreemdelingen te Amsterdam in de eerste Helft der zeventiende eeuw," *Tijdschrift voor Geschiedenis*, L (1935), pp. 25-26.

[55] M. Wolff, "De Eerste Vestiging der Joden in Amsterdam, hun politieke en economische toestand," *Bijdragen voor vaderlandsche Geschiedenis en Oudheidkunde*, X (1912), p. 160.

[56] One was Joseph Felix de la Vega, whose *Confusion de Confusiones* (Amsterdam, 1688) was an astute analysis of stock exchange techniques, with suggestions for overcoming speculative frauds; even more influential was Isaac de Pinto's *Traité de la circulation et du crédit* (Amsterdam, 1771), which discussed the workings of the option market and showed in what circumstances speculators should operate as "bears" or "bulls."

[57] D. K. Clark, "Edward Blackwell as Royal Agent," *Economic History Review*, old ser. XI (1938), pp. 51-52.

[58] R. D. Richards, *Early History of Banking in England* (London, 1929), pp. 27-28.

[59] See, for instance, C. H. Wilson, *Anglo-Dutch Commerce and Finance in the 18th Century* (Cambridge, 1941), pp. 115-118.

decades of the eighteenth century were mainly responsible for the growth of arbitrage and other legitimate speculative operations on the Royal Exchange.[60] Certainly, Jewish financiers were major participants in the complex public stock flotations that enabled the Treasury to weather the storms of the Napoleonic struggle.[61]

IV

Contemporary Opinions

Some further indication of the Jewish impact on economic progress in the mercantilist era can be derived from the attitudes of contemporary observers and policy-makers, whose views varied considerably in the course of time and from place to place in accordance with changes in the economic climate. It is well to bear in mind also that the great bulk of mercantilist pamphleteering (which had got under way as soon as the printing press made its appearance in western Europe) comprised special pleadings on behalf of particular vested interests.

Since the period of original Marrano settlement in France coincided with frantic reconstruction efforts following the holocaust of the Catholic-Protestant civil wars,[62] little was done to prevent any group from contributing to the restoration of prosperity. Nevertheless, Henry IV's chief economic adviser, de Laffemas, was suspicious of Jewish trading activities, which he tried to restrain,[63] while the

[60] A phenomenon stressed by Postlethwayt as early as 1751; *The Universal Dictionary of Trade and Commerce* (London, 1st ed.), I, p. 95.

[61] M. Arkin, "Anglo-Jewish Financiers of the Napoleonic Era," *Jewish Affairs* (Johannesburg), XII, No. 3 (March, 1957), pp. 24-29; S. R. Cope, "The Goldsmids and the Development of the London Money Market during the Napoleonic Wars," *Economica,* new ser. IX, No. 34 (May, 1942), pp. 180-206.

[62] For an account of the economic dislocation caused by the Wars of Religion, see Eleanor C. Lodge, *Sully, Colbert, and Turgot* (London, 1931), ch. iv.

[63] C. W. Cole, *French Mercantilist Doctrines before Colbert* (New York, 1931), pp. 91-92.

King himself was even more openly anti-Jewish despite the fact that he was the main architect of the Edict of Nantes.[64] As France plunged towards political chaos and financial bankruptcy after Henry's assassination (1610), and everyone began to search for a convenient scapegoat, animosity towards the Jews became really virulent—a trend reflected clearly in the writings of the influential bullionist, Antoine de Montchrétien.[65] Under Richelieu, however, French mercantilist policy grew more realistic.[66] and eventually Jewish enterprise came to be openly championed by Colbert, the Cardinal's ardent disciple. Colbert believed that if the Jews contributed to the strength of the state by useful activities in commerce and manufacturing or by investing their capital, it would be folly to penalize them for their religious beliefs; in any event, by allowing their competence full rein, he would at the same time be depriving foreign rivals of an equivalent sum of skill, ingenuity, and resources.[67] Nor was Colbert content with vague platitudes. He protected the Marrano merchants of Marseilles in spite of heavy pressure from local entrenched interests;[68] and in the French West Indies, where Jews had made considerable investments and had done much to improve the sugar trade, they were given the same privileges as other settlers, including complete freedom of worship.[69] Colbert's views left a permanent imprint on official policy,[70] while the neo-mercantilist writers of the eighteenth century (such as Montesquieu and

64 J. J. Schudt, *Jüdische Merkwürdigkeiten* (Frankfurt, 1718), I, p. 270.

65 *Traicté de l'oeconomie politique* (1615), new ed. by Funck-Brentano (Paris, 1889), pp. 188-193.

66 F. C. Palm, *The Economic Policies of Richelieu* (Urbana, Ill., 1920), *passim*. Although Richelieu was strongly anti-Huguenot, that was due mainly to the political danger that he believed lurked in Protestant circles; since the Marranos represented no menace to the regime, they were left unmolested under circumstances that favored growing Jewish participation in economic life.

67 C. W. Cole, *Colbert and a Century of French Mercantilism* (New York, 1939), I, pp. 351-352.

68 Heckscher, *op. cit.*, II, p. 306.

69 A. Cahen, "Les Juifs de la Martinique au XVIIe siècle," *Revue des études juives*, II (1881), 99 ff.; S. I. Mims, *Colbert's West India Policy* (New Haven, 1912), p. 65.

70 Heckscher, *op. cit.*, II, 217-218, 305, 307.

Goudar) also espoused toleration on economic grounds.[71] The upshot was that several decades before the 1791 Constitution declared all Jews to be equal citizens, the Sephardim of France were, in fact, enjoying a considerable degree of economic freedom.[72]

When the Dutch authorities originally permitted Marrano settlement and, later, freedom of Jewish worship, they too were prompted by economic rather than humanitarian motives. It was well known that the fugitives retained important commercial connections with foreign markets, that they had special talents for trade, and that at least some of them commanded a certain amount of metallic wealth. Thus the renowned jurist Hugo Grotius reflected the popular attitude when, in 1615, he favored introducing Jewish settlers but argued against giving them political rights.[73] A more enlightened view emerged in intellectual circles as it came to be widely accepted that progress was bound up with the periodic infusion of "new blood"; the cosmopolitanism of Pieter de la Court was not untypical of mid-seventeenth century Dutch opinion:

> . . . next to freedom to worship God comes freedom to make one's living for all inhabitants. Here [in Amsterdam] it is very necessary to attract foreigners, although this is of disadvantage to some old residents who would like to keep the best entirely for themselves and pretend that a citizen should have preferences above a stranger. The truth of the matter is that a state which is not self-sufficient must constantly draw new inhabitants to it or perish.[74]

A century later, Jewish businessmen had been fully integrated into Amsterdam economic life, and their status of equality was generally, if only tacitly, recognized. A

[71] J. J. Spengler, *French Predecessors of Malthus* (Durham, N. C., 1942), p. 64.

[72] A. Crémieux, "Pour contribuer à l'histoire de l'accession des juifs à la qualité de citoyens français," *Revue des études juives*, XCV (1933), pp. 44-53.

[73] A. K. Kuhn, "Hugo Grotius and the Emancipation of the Jews in Holland," *Publications of the American Jewish Historical Society*, XXXI (1928), pp. 173-180.

[74] *Interest van Holland ofte gronden van Hollands-Welvaren* (Amsterdam, 1662), p. 38.

symptom of this new state of affairs was the numerous calendars then circulating, which included neat schedules of synagogue hours, because the "daily negotiations and commerce" between Jew and Christian now made it "necessary for Christians to know at what time on Fridays the Jewish Sabbath begins and when it ends on Saturdays."[75]

In England, the Elizabethan playwrights had propagated the concept of the Jew as a ruthless moneylender, but the utopian philosophers took a much more sympathetic stand.[76] Generally, however, dispassionate inquiries into economic problems were few and far between before the mid-seventeenth century. The founding of the Royal Society (1662) promoted a more scientific approach to the study of economic phenomena, yet Sir William Petty—one of the most influential of the new school of writers—sided vehemently with those London commercial elements that had been opposed to readmission and made some curious suggestions on the desirability of subjecting recent Jewish immigrants to a strict discipline and to higher levies.[77] In contrast, Sir William Temple believed that one reason for Dutch trading leadership was toleration of Jewish merchants[78]; an anonymous author expressed concern that, while Jews in England "cannot buy a house," the French

[75] I. Le Long, *De Koophandel van Amsterdam* (Rotterdam, 1753), I, p. 157.

[76] Sir Franics Bacon, for instance, in his posthumously published outline of an ideal commonwealth, placed Jews as well as Christians on an imaginary island, allowed them religious freedom, and put into the mouth of Joabin, a Jewish merchant, some of his most important views; *The New Atlantis* (1627; World's Classics ed. by T. Case), pp. 261-263.

And in the very year when behind-the-scenes negotiations were proceeding between Menasseh ben Israel and Cromwell's government, James Harrington was writing a realistic account of traditional Jewish moneylending activities and suggesting that a good cure for the economic ills of Ireland would be to colonize it with Jews, who should be invited to make it their Land of Promise and be given full use of their customs and absolute possession of their properties; *The Commonwealth of Oceana* (1656), new ed. by H. Morley (Cambridge, 1887), pp. 13-14; cf. H. F. Russell Smith, *Harrington and His Oceana* (Cambridge, 1914), pp. 20-24, 171-172.

[77] C. H. Hull (ed.), *Economic Writings of Sir William Petty* (Cambridge, 1899), I, pp. 83-84, 263.

[78] *Observations upon the United Provinces* (1672) new ed. by G. N. Clark (Cambridge, 1932), p. 124.

were "angling" for their services[79]; and Charles Davenant—who insisted that national welfare depended upon an active policy of stimulating an increase of population—suggested that the country become "a general Azilum" for all economically useful aliens, singling out the Jews as a specific example.[80] But it was left to Sir Josiah Child, influential chairman of the East India Company, to refute Petty's assertions in detail and to declare roundly that the more avenues of trade open to Jewish enterprise, "the better it is for the Kingdom in general."[81] Child's vindication exerted a profound influence, and the scattered references to Jews in the economic literature of the early eighteenth century are insignificant and for the most part colorless. Even that most energetic of controversialists, Daniel Defoe, whose pen seldom ran dry on miscellaneous economic topics, had nothing to say about the Jews except for the purely factual comment that they were moving out to "High-gate and Hamstead . . . for their country retreats, and some of them are very wealthy; they live there in good figure, and have several trades particularly depending upon them."[82]

V

Some Tentative Inferences

The economic life of western Europe during the Age of Mercantilism was the product of an involved history and the operation of many complex and varied forces. No single cause, no simple series of changes produced the policies and practices that reached their maturity during the

[79] *Britannia Languens, or a Discourse of Trade* (1680), in *Early English Tracts on Commerce*, ed. J. R. McCulloch (reprinted, Cambridge, 1954), p. 366.

[80] Davenant, quoted by Heckscher, *op. cit.*, II, p. 161.

[81] *New Discourse of Trade*, 2nd ed. (London, 1690), ch. vii, pp. 141-144.

[82] *A Tour through England and Wales* (1724-26), Everyman's Library ed. by G. D. H. Cole, II, pp. 2-3.

For some discussion of the Levant Company's attitude towards Jewish membership, Josiah Tucker's vigorous championship of naturalization, and the views of the eighteenth-century Scottish school of economists, see M. Arkin, "The Jews in Early British Economic Thought," *Jewish Affairs* (Johannesburg), XI, No. 9 (Sept. 1956), pp. 26-30.

seventeenth and eighteenth centuries. Werner Sombart's sweeping assertion that it was the Jews who endowed this early modern era with "the essential spirit of capitalism and carried it to its fullest development"[83] is a misleading generaliaztion, to say the least. There still are far too many gaps in our statistical knowledge of the period for anything more than a very tentative assessment of the Jewish impact on the mercantilist world, and specific rather than over-all influences should be sought.

It was once fashionable, for instance, to ascribe to the religious expulsions all the economic misfortunes that beset Spain increasingly after the mid-sixteenth century, and Jewish historians, understandably, seldom viewed the issue objectively.[84] More recently, however, economic historians have tended to discount this view altogether, emphasizing the impact of masses of American treasure on Spanish commerce and industry, often to the exclusion of everything else.[85] Yet, since it is never desirable for a productively important segment of any population to disappear suddenly, the edict of 1492 must have been an instrument of impoverishment rather than prosperity for Spain. Furthermore, there is evidence which suggests that, had the main body of Spanish Jewry been present to participate in the overseas ventures of the Hapsburgs, economic progress in both colonies and mother country might have been more pronounced.[86] In Portuguese America, too, the Jewish pioneers found themselves enmeshed in a web of antagonistic

[83] *The Jews and Modern Capitalism,* 1st English ed. (London, 1913), p. 21.

[84] Graetz, for example, was quite dogmatic: "Spain fell into a condition of barbarism through the banishment of the Jews"; *History of the Jews* (Philalelphia, 1894), IV, p. 354.

[85] It is true that E. J. Hamilton, in his summary, "The Decline of Spain" (*Essays in Economic History,* ed. E. M. Carus-Wilson, London, 1954), pp. 215-226, treats the Moriscos (converted Moslems) at some length but makes no mention of Jews or Marranos. R. Trevor Davies, in his posthumously published *Spain in Decline:* 1621-1700 (London, 1957), throws in a few comments about the Jewish impact on Iberian economic decadence (see especially pp. 37-40), but most of these are prejudiced and factually inaccurate.

[86] See C. H. Haring's studies, *Trade and Navigation between Spain and the Indies* (Cambridge, 1918), ch. v, and *The Spanish Empire in America* (New York, 1947), p. 203 ff.

mercantilist colonial ambitions,[87] and, after naturally throwing in their lot with the Dutch, were forced to leave Brazil when the West India Company lost its foothold in the northern captaincies.[88] As many of these refugees settled on the Caribbean islands, where they applied their specialized knowledge of sugar culture, it is not unreasonable to assume that the gradual elimination of Brazilian sugar from the markets of Europe through West Indian competition during the first half of the eighteenth century was one unforeseen consequence of Portugal's intolerance towards its colonial Jewish subjects.

Franco-Jewry never attained the influence or prosperity of the Dutch and London communities during the seventeenth and eighteenth centuries, although it did benefit from the concentrated power of enlightened despotism and, as has been shown, was thus able to participate in material developments under the *ancien régime*. The principal positive contributions of the Jews to economic progress are to be found in Holland and, to a lesser extent, in England. In Amsterdam, Jews undoubtedly played a very prominent role in that city's industrialization, while, in general, through its far-flung trading connections and unique financial services, Dutch Jewry contributed much towards the commercialization of economic life. Yet one of the most persistent trends of the eighteenth century was the relative decline of Holland as a trading power, paralleled by the corresponding ascendancy of England. The gradual shift in the focal point of international financial dealings from Amsterdam to London was symptomatic of the change, and in this process the Jewish influence, if not decisive, was at least very significant.

[87] C. R. Boxer, *The Dutch in Brazil*, 1624-1654 (Oxford, 1957), chs. iv-vi.

[88] The position during and after the period of Dutch influence is considered at some length by H. I. Bloom, "A Study of Brazilian Jewish History," *Publications of the American Jewish Historical Society*, XXXIII (1934), 43-125. This should be supplemented by A. Wiznitzer's collection of contemporary documents, *The Records of the Earliest Jewish Community in the New World* (New York, 1954).

Hence, while the advent of Napoleon may have brought about the legal and political liberation of western Jewry, it was the Age of Mercantilism that witnessed its emancipation in the economic sphere, thereby injecting a not inconsequential stream of fresh entrepreneurial energy into the arteries of European industry and commerce.

FRENCH JEWS DURING THE REVOLUTION OF 1830 AND THE JULY MONARCHY

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I

Jewish Participation in the Events of July, 1830

ON July 25, 1830, Charles X dissolved the French parliament. Thereupon the deputies and the people rose in open resistance against the regime of the Restoration, and during the "three glorious days" of July 27, 28, and 29, the future of France was once again decided upon the barricades. On August 2 Charles X abdicated, and Louis Philippe (1773-1850) was proclaimed *Lieutenant général* and a week later King of France. Thus the Revolution of 1830 abolished the absolute monarchy and instituted a monarchy by election. Very soon, however, Louis Philippe was driven to oppose liberal and revolutionary forces, and in his foreign policy he tried to make the great powers forget that he had acceded to the throne as the result of a popular uprising.

Although Jews are known to have participated in the revolutionary events, the lack of a documentary record,

Note: The following abbreviations are used in the notes: *AI* — *Les Archives israélites;* AN — Archives Nationales; *BAL* — A. Cerfberr de Médelsheim, *Biographie Alsacienne-Lorraine* (Paris, 1879); *Crémieux* — S. Posener, *Adolphe Crémieux* (1796-1880), 2 vols. (Paris, 1933); *DBF* — *Dictionnaire de biographie française,* I-IX (Paris, 1929-60); Halphen — Achille Edmond Halphen, *Recueil des lois . . . concernant les Israélites . . .* (Paris, 1851); Jerusalem — The Jewish Historical General Archives in Jerusalem; *JSS* — *Jewish Social Studies;* Lower Rhine — Departmental Archives of Lower Rhine; *Opposition* — Felix Ponteil, *L'Opposition politique à Strassbourg sous la monarchie de juillet* (Paris, 1932); *Rév.* 1848 — *La Révolution de* 1848 *et les révolutions du XIX siècle,* 1830-1848-1870; *UI* — *L'Univers israélite; YB* — *Yivo Bleter* (in Yiddish).

such as a contemporary Franco-Jewish periodical might have provided, makes it hard to determine the exact extent of their activity. To begin with, we may note the reference by the Central Jewish consistory, in a petition of August, 1830, to the fact that "the French Jews shared the dangers incurred by their fellow citizens."[1] And accounts of specific cases do exist, a few of which follow.

Michel Goudchaux (1797-1862) was wounded while leading a large group that stormed the Tuileries on July 29. The son of a Jewish banker of Nancy, he helped to organize a Jewish public school there. In 1827 he went to Paris to direct a branch of his father's banking business and continued to be active in the Jewish community. He quickly became interested in politics and in 1829 helped to publish the liberal republican newspaper *National,* which played an important role in preparing the revolutionary events of 1830. After the July uprising Goudchaux became mayor of a Paris district. Anticipating that he would be forced into the ranks of the opposition, he refused to accept a higher post and was appointed paymaster in the department of Lower Rhine.[2]

For his role in the July events Philippe Anspach (1805-1875), a lawyer from Metz, was rewarded with a high position in the administration of law. In Metz he had been one of the founders and leaders of the first Jewish public school (1818). His brother, Joël Anspach, was the editor of the first French translation of the Hebrew prayerbook for Ashkenazic Jews. Philippe Anspach, who became a member of the Central Consistory, was the father-in-law of two well-known Jewish personalities, Gustave de Rothschild and Emile Dreyfus.[3]

Michel Alcan (1811-1877), the son of a Jewish soldier

[1] S. Posener, "La Révolution de juillet et les israélites de France," *UI,* LXXXV (1930), 586. This short study of a few pages is the only one concerning the Jews and the July Revolution published until now.

[2] Achille de Vaulabelle, *Chute de l'Empire . . .* , VII (Paris, 1854), 400; *AI,* XXIV (1863), 56-61; E. Carmoly, in *AI,* XXIV (1863), 608-12, 752-55, 806-14; Raymond Lazard, *Michel Goudchaux* (1797-1862): *son oeuvre et sa vie politique* (Paris, 1907), pp. 3-5.

[3] *AI,* XXXVI (1875), 747-48.

of the days of 1789, fought on the barricades and was decorated with the Croix de Juillet. As a child he had attended a Jewish trade school. As an adult he organized educational courses for workers, became a well-known engineer, and contributed significantly to the development of the French textile industry. In 1848 he was elected deputy from the department of Eure.[4]

Olinde Rodrigues (1795-1851), a Jewish Saint-Simonian, also fought on the barricades.[5]

Adolphe Crémieux (1796-1880) took an active part in the July events in Nîmes, where great animosity existed between the Catholic adherents of the Restoration and the Protestant partisans of the new revolution. As is well known Crémieux later settled in Paris, playing an important role in politics, first as a cautious partisan of the July Monarchy and later in the republican opposition.[6]

In Bordeaux two Jews, Benjamin Lopès-Dubec (1783-1851) and Joseph Rodrigues (1784-1858), were among the members of the new municipal administration elected on August 3, 1830. However, these offices may possibly not have been conferred as a reward for political activities.

In Bayonne, Josué Léon (1749-1834), who was active in the revolutionary clubs of the 1789 Revolution, became deputy-mayor during the Restoration, a position he held until his death. It was in Léon's summer-house that the prefect of the department of Landes during the Restoration found a safe hiding-place in July, 1830.[7]

The Jewish communities everywhere in France took part in the solemn celebrations in honor of the new regime.

[4] *DBF*, I (Paris, 1933), 1328-29; *BAL*, pp. 85-86.

[5] Sébastien Charléty, *Histoire du Saint-Simonisme* (Paris, 1931), p. 81.

[6] S. Posener, "La Révolution du juillet et le Département du Gard," *Mercure de France*, CCXXI (1930), 612-13; *Crémieux* I, 88-149. Moïse Monteux (1792-1832) of Carpentras, a lawyer of Nîmes and a friend of A. Thiers, was invited, at the beginning of the July regime, to come to Paris (*AI*, I, 1840, 615-17). According to the anti-Jewish writer Robert Launay, the Revolution of 1830 attracted to Paris many "barefoot" people, who looked for a chance to profit from events in that city. Among them was the peddler family of the famous actress Rachel; *Figures juives* (Paris, 1921), p. 38.

[7] Th. Malvezin, *Histoire des juifs de Bordeaux* (Bordeaux, 1875), pp. 319-20; Henry Léon, *Histoire des juifs de Bayonne* (Paris, 1893), p. 258.

In Mulhouse, a center of liberal Protestant industrialists, the 1830 Revolution was greeted enthusiastically. Many Jews made donations for the victims of the July events in Paris and for the erection of a local monument in their honor.[8] The Revolution, or, to be more accurate, Louis Philippe, was praised by Jewish communities in hymns and sermons and by individual Jewish authors of odes. Of course, such panegyrics were produced in France during every regime, often by the same authors. This time, however, Eliakim Carmoly was able to take as a motto for his *Ode* the words of Ecclesiastes: "Happy are you o land, when your king is the son of free men." In 1833, the rabbi of Lille spoke of Louis Philippe as "the King who emerged from the barricades." The same sentiment was repeated in later sermons. Rabbi Michel A. Weill of Alger remarked in 1847 that the King "ascended the throne through the triumph of free institutions." In Saint-Esprit the mayor announced with broadsides a *Te Deum* for the new regime in the church and in the synagogue. This was indeed a singular occurrence in a city in which in 1816 the priest had refused to allow Jews to be present in the church at a ceremony in memory of Louis XVI, and where in 1838 the Catholics protested strongly against the election of a Jew, Isaac Rodrigues, as deputy mayor. To evaluate such episodes properly, one should bear in mind the fact that in many places the Catholic clergy ignored the new regime and refused to celebrate the event in the churches.[9]

Alexandre Weill related how the news of the Paris events was greeted in Frankfurt, where a group of French youths were studying in the *yeshivoth*: "The news of the Revolution of 1830 sounded like a trumpet of Jericho in

[8] *Affiches de Mülhausen* No. 30, Sept. 4, 1930 (D. Wahl, Moïse Wahl, Cléman Lévy, M. Lévy, M. Paraf, etc.); André Brandt, "Mulhouse et la Révolution de 1830," *Bulletin de la Société Industrielle de Mulhouse,* CII (1936), 437-52.

[9] E. Carmoly, *Ode en l'honneur de S. M. Louis Philippe* 1er, *roi des français, à son avènement au trône* (Metz, 1830), 12 pp. (French and Hebrew). *La Paix,* II (1847), 413; Léon, *op. cit.,* pp. 318-319, 339-40, 342; Paul Raphaél, "Le Clergé et la fête de Louis Philippe en 1831," *Rèv.* 1848, XIII (1917), 17-23; H. Contamine, *Metz et la Moselle de* 1814 *à* 1870, I (Metz, 1931), 369-70.

the hearts of all the Jews of the universe. We, the Alsatian and French Jews, ran through the streets of Frankfurt, drunk with pride and happiness, singing, shouting, gesticulating like demented prisoners who had just been liberated."[10]

In their praise of the new regime Jewish leaders were careful enough to follow the line of Louis Philippe's policy, since the latter was well established in power. In a sermon delivered in 1833 in memory of the victims of the events of July, 1830, the rabbi of Lille attacked the revolutionary opposition to Louis Philippe: "Is then not ingratitude even today the vice of the masses? Do we not see insatiable men dedicated to revolutions, unsatisfied with the benefits procured by the three days of July, exaggerating the claims of liberty even to the point of pushing toward anarchy?" The rabbi then compared Louis Philippe to King Samuel and continued: "Well, my brothers, we have our King chosen by the Nation, the King who emerged from the barricades, who gave us a real *charte,* who enlarged our freedom; this citizen king who tries to make us happy, who finds his happiness only in the welfare of his peoples. Under his reign we enjoy a profound peace with all the nations. Industry is more active than ever, without precedent in the annals of our history, and commerce prospers more and more. Yet all this is disregarded, and his government is being subjected to insults and slander. Do we not have to fear, my brothers, that God will be irritated by so much wickedness and that in anger he will punish such malice? It is true that the Lord promised not to destroy us anymore by a deluge, but the revolutions toward which it is desired to push us, are they not an equally terrible calamity? This is why, my brothers, we should plead with Our Lord, as our father Abraham pleaded for the inhabitants of Sodom, and ask Him not to destroy the righteous men together with the wicked. And now, my brothers, wrap yourselves up in meditation; we shall pray for the King and all the royal family and also

[10] A. Weill, *Ma jeunesse* (Paris, n.d.), p. 266; A. Weill, *Introduction à mes mémoires* . . . (Paris, 1890), pp. 60-62. On the French Jews in Frankfurt, see also Weill, "Les Juifs de Paris: il y cinquante ans," *La Gerbe* (Paris, 1890), p. 51.

for the peace of the souls of the victims and martyrs of the Revolution of July." This was, indeed, a sermon of a purely political character, directed against the labor movement, an unprecedented occurrence in the annals of Jewish communities at this early period. Lille was then a revolutionary center, and there the July Revolution was supported by workers against the industrialists.[11]

There is no doubt that many Jews held radical political opinions. However, from all the facts known it seems that, except for a few individual cases, the Jews as a group participated neither in the republican opposition of the eighteen-twenties, nor in the Revolution of July, 1830, nor in the republican opposition to the July Monarchy. In spite of many anti-Jewish acts during the Restoration, the mass of Jews did not oppose it actively, for they remembered the anti-Jewish restrictions of Napoleon I.

There were other, more indirect reasons for the limited political engagement of the Jews through 1830. Most of the republican and liberal secret societies were in effect closed circles of friends who knew each other well, and with few exceptions Jews were not as yet accepted on equal terms by the Christian population, even by liberals. Even after July, 1830, Jews were not admitted into the societies that were founded thanks to the liberties newly won by the French.[12] Moreover, Jews were not attracted by the semi-religious, mystical character of many such opposition societies, for romanticism was not a strong trait of the first generations of emancipated Jews.[13] It was during the following regime,

[11] The rabbi's sermon is taken from a detached page of a Lille newspaper (Jerusalem, Inv. 994); Octave Festy, *Le Mouvement ouvrier au début de la monarchie de juillet* (Paris, 1908), p. 132. The Jewish community of Lille was founded after the emancipation.

[12] Alexandre Weill was of the opinion that Jews were accepted in the academies provided that they would not exercise any social or direct influence; *Mes batailles* (Paris, 1867), p. 291. "Depuis juillet 1830, des circles se sont formés à Carpentras, des bals, des soirées ont eu lieu, les israélites n'y ont jamais été admis"; *AI*, I (1840), 683. In 1893 the Carpentras salon of the sub-prefect, Ladreit de la Chartière, was barred to Jews. But neighboring Aix-en-Provence, which professed to be the spiritual capital of Provence, also had a Jewish mayor, City Library of Carpentras, MS 1658?; Z. Szajkowski, "The Decline and Fall of Provençal Jewry," *JSS*, VI (1944), 52-53.

[13] S. Posener, "La Première Génération d'Israélites français après

the July Monarchy, that the Jews played a role as a political force, of significance mainly during the Revolution of 1848 and the Second Empire. In 1845, the number of Jewish notables who had the right to vote was 965 (there were 73,975 Jews in France in 1851). Among them, 380 were merchants and industrialists, 36 army officers, 60 members of city councils, 4 mayors, 17 judges and lawyers, and so on. A large proportion of them was actively interested in Jewish life (667 out of the 965 took part in the consistorial elections). This was the narrow base of suffrage achieved by Jews at the start of their participation in the political life of France. Yet the prefect of Lower Rhine wrote in 1843 that the extent of the progress by Jews since 1789 was unbelievable.[14]

The only exception to the minor political role of Jews was the movement of Saint-Simonism, in which Olinde Rodrigues, Léon Halévy, Gustave d'Eichthal, Isaac and Emile Péreire, and others were very active. The school of Saint-Simonism consisted essentially of utopian aristocrats, but though these Jews were of key importance to the movement, no large Jewish group was among its devoted followers; the Saint-Simonian philosophy remained completely alien to the mass of French Jewry. Also, most Jewish Saint-Simonians became estranged from Jewish life and were more Christian than Jewish in belief. Upon the outbreak of the July Revolution, which gave the Saint-Simonians an opportunity to come in contact with the masses, the leaders of the movement advised their friends not to take part in the revolutionary events, partly because of indecision and partly

l'émancipation," *UI*, LXXXVC (1930), 456; Z. Szajkowski, "The Jews in the Post-Napoleonic Restoration in France (1814-1815)," *The Jews in France*, I (New York, 1942), 190-204 (in Yiddish). Alexandre Weill wrote in his memoirs: "En 1830, elle s'appela: Romantisme et émancipation de la chair. . . . Ma foi ne fut expulsée que par la raison philosophique. Je ne croyais plus à la Révélation, mais aussi non plus à la différence des nations et des religions. . . . Moi aussi, je devais payer mon tribut aux erreurs matérielles de mon siècle. Moi aussi, je m'enivrais du vin du vertige de l'athéiste et du crapuleux Romantisme," *Mes années de Bohème* (Paris, 1888), p. 471.

[14] *AI*, VI (1845), 831-36: "Sans doute, il y a plus de calcul que de sincérité dans ces changements. Comment expérait-on la régénération aussi subite d'une nation si longtemps abâtardie?" Lower Rhine, V-149, No. 758.

because of uncertainty as to its outcome. Opposed to a government run by workers, they preferred a regime based on the ideology of 1789. True, Olinde Rodrigues was mentioned above as one of the revolutionary fighters of July, 1830, but his was an exceptional case among the Saint-Simonians. In a few places members of the movement tried without success to attract the masses. In Alsace the liberal newspaper *L'Alsacien,* of which Michel Goudchaux was an editor, fought the Saint-Simonians as an "oligarchy" that would abolish individual freedom if it achieved its ends. Saint-Simonians gave up the idea of becoming a political party, resigning themselves to the role of a philosophical, semi-religious school. In connection with the revolutionary events of Lyon in April, 1834, they called upon the people not to revolt, but to wait for God's will to express itself.[15]

II

The Law Concerning the Jewish Clergy

From the Jewish point of view the most important act of the new regime was the law of February 8, 1831, declaring that members of the Jewish clergy were civil servants and should be salaried by the government.

The Charter of the Restoration regime had given equal rights to all religious groups. Article 6, however, excluded the Jewish clergy from the category of civil servants; the salaries of rabbis and cantors were paid from special taxes collected by the Jewish consistories. The Jews rightly viewed this treatment as evidence that they were second-class citizens who still had to achieve full emancipation. I. Berr, a Jewish lawyer of Metz, asserted that during the

[15] Georges Weill, "Les Juifs et le Saint-Simonisme," *Revue des études juives,* XXXI (1895), 261-80; G. Weill, *L'Ecole Saint-Simonienne* (Paris, 1896), pp. 191-93; Z. Szajkowski, "The Jewish Saint-Simonians and Socialist Antisemites in France," JSS, IX (1947), 33-60; Charléty, *Histoire . . . ,* pp. 79-85, 115; Festy, *op. cit.,* pp. 61, 80-84; *L'Alsacien,* Aug. 28, 1831; [Jean] Terson, *Un St.-Simonien au peuple de Lyon, à l'occasion des événements d'avril* 1834 (Lyon, 1834), p. 15.

Restoration "the future of the Jews was gloomy and uncertain, and they were fearful that the gains of 1789 would be contested some day." The Restoration's Charter left open the possibility of adverse interpretations with reference to the Jews.[16]

At the beginning of the new regime, on August 3, 1830, the Central Consistory held a special meeting for the purpose of demanding the abolition of Article 6 of the Charter, which made civil servants of the Catholic and Protestant clergy alone (*seuls*). The meeting recognized it as a "duty not to let the opportunity escape to solicit, in favor of the Jewish religion, the benefit of the system of equality which had just been proclaimed at the price of the blood of such noble victims from all communions." They decided, however, against an outright demand for the abolition of Article 6 of the Charter, favoring instead a milder request that the government recognize rabbis as civil servants. But the Central Consistory was not active enough in following the developments in the parliament, and a private group of Jews took it upon themselves to press the issue. Javal, Fould, Michel Goudchaux, Jacob Lazard, and Alphonse-Théodore Cerfberr petitioned the parliament and the duc d'Orléans, the future King Louis Philippe,[17] while at the same time Israël Bédarride (1798-1869), a Jewish lawyer, solicited the help of his friend Benjamin Constant, leader of the left-wing opposition.[18] As a result of these interventions, the word *seuls* (alone) was omitted from the article on the clergy in the new version of the Charter adopted by the parliament,

[16] *AI*, II (1842), 238.

[17] Goudchaux has been mentionel before; Javal's first name is not given. Fould was probably Benoît Fould; (*AI*, III, 1842, 362). Alphonse-Théodore Cerfberr (1797-1859), a captain in the army and author, was a member of the Central Consistory. On him see S. Cahen, *AI*, XXI (1860), 12-13. Jacob Lazard (1759-1840) was a well-known merchant, who actively participated in the fight for Jewish emancipation in 1789; he was a deputy to the Sanhedrin convoked by Napoleon I; *AI*, I (1840), 467-71.

[18] On Bédarride, see J. Félix, in *AI*, XXX (1869), 717; M. Lisbonne, *Etude nécrologique sur Israël Bédarride* (Montpellier, 1870), reprinted from *Revue judiciaire des cours impériales; AI*, XXXI (1870), 202-03. In 1833 Michel Berr published a eulogy in memory of Constant: *Eloge de Benjamin Constant, prononcé le 12 juin 1833, dans la chaire de l'Athénée royal de Paris . . .* (Paris, 1836).

thus—as Constant wrote to Bédarride on August 17, 1830—leaving the door open for the next step directly in favor of the Jewish clergy.[19] The duc d'Orléans also promised such action in the near future. In fact, on December 4, 1830, the parliament resolved that the Jewish clergy should be salaried by the government, and on February 1, 1831, the same resolution was adopted by the Chambre des Pairs and became law on February 8.[20]

This new act in favor of the Jews was an outgrowth of new republican ideas, as the historian, Robert Anchel, has correctly noted; it was not voted "in a moment of enthusiasm" but after a sharp discussion. The vote in the parliament was 211 in favor of the law and 71 against; in the Chambre des Pairs, 57 in favor and 32 against with 2 abstentions. Another historian, Léon Bermann, commented on this event, not in connection with the Revolution of 1830, but with the general devolopment of the French rabbinate. For a long time the new act was interpreted strictly with no deviation from the letter of the law. Thus, in 1832 the Mayor of Lyon rejected a request for a subsidy for the synagogue to provide housing for the rabbi because the law of February 8, 1831, referred only to rabbis' salaries.[21]

Nevertheless, most contemporary Jewish leaders and later historians hailed this act as a great event in Jewish history. Thus, the unknown Alsatian author of a contemporary Yiddish description of the Revolution reported that Louis Philippe was very favorably disposed toward the Jews and ordered that all rabbis should be paid by the Government.[22] In 1831, Samuel Cahen dedicated his French trans-

[19] Michel Berr, *Du passé . . .* (see note 58), p. 21.

[20] Posener, "*La Révolution*" (*supra*, n. 6), 87-89; *Crémieux*, I, 157-58; Lazard, *Michel Goudchaux . . .*, p. 568; Robert Anchel, *Notes sur les frais du culte juif en France de 1815 à 1831* (Paris, 1928), pp. 32-45; Halphen, pp. xliii-xlv, 88-90, 92-94, 103-105, 386-450.

[21] Anchel, *Notes . . .*, p. 33; Léon Berman, *Histoire des juifs de France des origines à nos jours* (Paris, 1937), p. 399; Alfred Lévy, *Notice sur les israélites de Lyon* (Paris, 1894), pp. 37-38.

[22] Jerusalem, Inv. 992: "Diser melech Louis Philippe is uns Jahudim, Boruch-Hashem, sehr ginstig und ot glaich ordenirt, dos alle rabonim fun guverneman colt virth."

lation of the Bible to Louis Philippe. Cahen, a teacher in the Jewish public school in Paris, emphasized the fact that his translation was being published during "the reign of the first constitutional King of France, when tolerance too became a truth." A similar view was expressed by a Jewish delegation on June 10, 1831, during Louis Philippe's visit to Metz. At a reception given by the King in 1835 Adolphe Crémieux declared that the Revolution of 1789 had proclaimed the principle of liberty of conscience, but until the July Monarchy people had feared the consequences. Rabbi L. M. Lambert of Metz stated in 1840 that this was "the greatest act of justice in favor of the Jews since the destruction of the Second Temple." According to M. Th. Milhaud of the Jewish community of Aix-en-Provence, the July Monarchy destroyed all administrative barriers between the Jewish and other religions. The lawyer and historian Achille Edmond Halphen stated in 1851 that the Jews would always bless the memory of Louis Philippe, who brought them complete civil equality both in law and in fact. The Franco-Jewish poet and co-founder (in 1860) of the Alliance Israélite Universelle, Eugène Manuel, wrote that Judaism "was protected by the law, by [public] opinion, and by the liberal sympathies of the Monarchy of 1830."[23] The same opinion was expressed by non-Jewish officials. The prefect of Lower Rhine wrote in 1843 that the real Jewish emancipation dated, not from 1791, but from February 8, 1831.[24] Even more important than such utterances was the fact that as a consequence of the law in favor of the Jewish clergy Catholicism ceased to be the exclusive official religion and became only the religion of the majority of Frenchmen.

[23] *La Bible, traduction nouvelle . . . dédiée à Louis-Philippe 1er, roi des français,* par S. Cahen, I (Paris, 1831), v; *Discours adressés au roi, et de Sa Majesté. Metz, ce 10 juin* 1831 (Metz, 1831), pp. 15-16; *Crémieux,* I, 155-56; L. M. Lambert, *Précis de l'histoire des hébreux, depuis le Patriarch Abraham jusqu'en* 1840 (Metz, 1840), p. 416; M. Th. Milhaud, *Discours . . .* (Aix, 1846), p. 7; *AI,* II (1841), 238-39; Halphen, p. xliii; Eugène Manuel, "Souvenirs intimes, un coin du passé," *La Gerbe* (Paris, 1890), p. 46; cf. N. Leven, *Cinquante ans d'histoire: L'Alliance Israélite Universelle,* I (Paris, 1911), 53.

[24] Lower Rhine, V-149, No. 758.

Anchel's comment, noted above, that the law of February 8, 1831, was not a gracious concession to Jews but was hard-won, is confirmed by other developments in the life of French Jewry during the July Monarchy. It was in this period that the oath *more judaico* was abolished, not by the action of the King or the legislature, but in the courts[25] after a long-drawn battle going back to the Restoration. But the July Monarchy did not solve other important problems of the Jewish communities, such as the debts they had accumulated before 1789 and still owed. The Jews persistently requested the nationalization or annulment of these debts as a remnant of the old regime, but the July Monarchy followed the line of its predecessors and refused to modify the obligation of the Jews to repay the debts.[26]

III

Anti-Jewish Riots in Alsace

According to many sources, anti-Jewish riots broke out in Alsace at the beginning of the Revolution of 1830, a repetition of similar occurrences in 1789 and a forecast of later incidents, in 1848. Anti-Jewish riots became a kind of tradition which the Alsatian people observed upon the outbreak of any revolution in France.[27]

In 1830 the Jews of Wintzheim demanded protection from the prefect; according to one source anti-Jewish riots also broke out in 1830 in the communities around Phals-

[25] Cf. Ed. Martin, *Mémoire amplicatif pour le sieur Lazare Cerf . . . à Saverne contre Isaïe Gougenhém . . . à Haguenau. Question: les israélites français peuvent-ils, en matière civile, être assujettis à un serment spécial, différent au serment imposé aux autres citoyens* (Paris, 1842), 24 pp.

[26] Z. Szajkowski, *Autonomy and Communal Jewish Debts during the French Revolution of* 1789 (New York, 1959), pp. 115, 155, No. 124.

[27] M. Ginsburger, *Encyclopaedia Judaica,* VI (1930), 553; Christian Pfister, *Pages alsaciennes* (Paris, 1927), p. 216; Gabriel Daty, "Les Juifs en Alsace et en Lorraine," *La Question juive vue par vingt-six èminents personalités* (Paris, 1934), p. 40; Paul Leuilliot, "L'Usure judaïque . . .," *Annales historiques de la Révolution Française,* VII (1930), 250; *UI,* II (1845), 131, 231, 250; Z. Szajkowski, "Pogroms in Alsace during the Revolutions of 1789, 1830 and 1848," *Zion,* XX (1955), 82-102 (in Hebrew).

bourg (Moselle).[28] But the most serious riots associated with the Revolution of July, 1830, occurred almost two years later, in the Upper Rhine community of Bergheim where, on June 12, 1832, peasants and workers of the local factories attacked the Jews with casualties of two dead and eighteen or twenty wounded.[29] Two days later the sub-prefect of Seléstat (Lower Rhine), near Bergheim, reported that a mob had fired on an army unit that was trying to disperse anti-Jewish attackers. Fearing that the anti-Jewish riots might spread to the neighboring communities of Lower Rhine, the sub-prefect ordered the gendarmes and mayors to defend the Jews. In a second report, written later on the same day (June 14) after a personal visit to Bergheim, he gave the following description of the aftermath of the pogrom: "The streets were full of broken furniture thrown out by the rioters from Jewish homes; roofs and other parts of Jewish houses were destroyed; Christians who were apprehensive that they might be subjected to a search, were returning various effects from looted Jewish houses. Jews who had tried to escape to Seléstat found the roads blocked by Christians."

Very soon mobs tried to attack other Jewish communities. On June 17, 1832, the same sub-prefect reported that the inhabitants of Châtenais were preparing that very evening to attack the Lower Rhine Jewish community of Schervillé (Scherviller). Since he could not depend upon the National Guard, the sub-prefect sent a regular army unit to defend the Jews of that community. Believing that information on what had taken place in the Upper Rhine

[28] Leuilliot, "L'Usure judaïque . . ." (*supra*, note 27), VII, 250; L. Schoumacher, *Erckman-Chatrian* (Paris, 1933), p. 32. During the dearth riots that broke out in June, 1832, in Metz, a Jewish storehouse of wheat was looted. "Souvenirs du Baron André Sers . . . ," *Annales de l'est*, Series 2, I (1905), 517-19.

[29] *Mémoire pour la commune de Bergheim appelante; contre le sieur Israël-Gabriel Sée, intimé.* [Signé: Yves, avocat,] n. p., n. d. 32 pp.; *Réfutation par un israélite du Haut-Rhin, de plusieurs articles calomnieux, publiés contre le Consistoire Israélite de Colmar* (Strasbourg, 1841), p. 13; M. Ginsburger, *Les Juifs à Ribeauville et à Belgheim* (Strasbourg, 1939), pp. 12-14; *idem.*, "Les Troubles de Bergheim en 1832," *Strassburger israelitische Wochenschrift*, IV (1907), No. 1.

would deter the mob from attacking the Jews of Schervillé, he ordered the mayor to give maximum publicity to the riots in Bergheim, where three attackers were killed and twenty-five arrested. On June 20, 1832, an officer of the gendarmerie reported the following incident that had taken place in Ittersviller (Lower Rhine): On June 4, the Jews of that community organized a procession in honor of the opening of their synagogue. They carried the republican tricolor flag and a tablet bearing the Ten Commandments. The Jews had hired four National Guardsmen from Andlau (Lower Rhine) to protect their festivities, for the local National Guard was unreliable. Provocatively, the Christians drove their cattle into the line of march of the Jewish procession, and a scuffle followed. The priest in his sermon the following Sunday inveighed against the Jews, warning that they might retaliate by driving their cattle into the line of march of the next Catholic procession.[30]

Who was responsible for the anti-Jewish incidents in Alsace? According to the local authorities, it was the Catholic priests. In 1836 the Jewish physician Michel Levy (1809-1872) wrote: "The emancipation of the Jews was an anti-Catholic act."[31] Christian inhabitants of Ittersviller (Lower Rhine) were among the attackers in Bergheim, and the mayor of the community reported on June 20, 1832, that the local priest, named Kern, warned while preaching in church on June 17, 1832, that the Jews who killed Christ would attack the Catholic procession. Then the priest said: "We now possess the liberty of July," and "We must show that we are Christians . . . fight in the name of Jesus Christ for our religion." On June 21 the sub-prefect declared that Kern was a dangerous man who had been responsible for many riots and was the probable author of two articles against the Jews and the Revolution of July published in a local newspaper.

30 Lower Rhine, 3 M 39.

31 Michel Lévy, *Coup d'oeil historique sur l'état des israélites en France et particuliérement en Alsace* (Strasbourg, 1836), p. 27. On Lévy, a physician and consistorial leading figure, see Rap., "Les médecins israélites de Paris," *La Paix*, I (1846), 198-205; H. Barouk, "Le Grand Hygièniste Michel-Lévy," *Revue d'histoire de la médecine hébraïque*, No. 3 (1849), 4-8.

On June 13 and 24, 1832, the sub-prefect reported that hatred of the Jews and incitement to loot were being stirred up as the basis for a broader action against the regime inaugurated by the Revolution of July. In fact, the Alsatian leaders of the Catholic Church were then working hand-in-hand with the Legitimist party. As the Protestants and the Jews were among the most dedicated adherents of the new regime, the Catholics' slogan was that their Church was in danger. On June 6, 1832, the sub-prefect of Seléstat reported to his superior, the prefect of the Lower Rhine, that agitators had tried to foment a revolt of the people against the July regime by playing up the high cost of living and hard times. When this maneuver failed, the age-old incitement of the people against the Jews was resorted to. At first, the sub-prefect wrote, he believed that the riots were directed by the "red flag," meaning left-wing elements. However, he soon became convinced that the leadership came from the "white flag." At confessions the priests asked their communicants to attack the Jews. In the opinion of the sub-prefect, as long as the clergy were independent of the government, they would provoke such attacks, and he added that a large-scale uprising against the government was being prepared in Alsace. Two years later, on October 15, 1834, the same sub-prefect reported similar preparations in Alsace, which the Catholic clergy were abetting, this time in the hope of support by a foreign invasion. The priests were again active in the villages, where they agitated against the Jews. "The Jews are always the excuse the agitators use for provoking uprisings in Alsace."[32]

Not only peasants but factory workers as well took part in the Alsatian anti-Jewish riots of 1830, as they had done earlier and would do again in later years. Was labor's participation in anti-Jewish riots a result of organized anti-

[32] Lower Rhine, 3 M 28-29; *Courrier du Bas-Rhin,* Feb. 17, 1843. In 1841, 491 Jews were living in Bergheim, only 439 in 1846; in Itterswiller there were 212 Jews in 1846; in Scherswiller 339 in 1846.

Jewish propaganda by a labor movement or of anti-Jewish sentiment aroused by reactionary circles? According to some historians, a well-organized labor movement then existed in Alsace, an opinion to which this author can adhere only with many reservations.[33] In any event, it is impossible to say that the leadership of the Alsatian labor movement was anti-Jewish. In fact, Jonas Ennery, a teacher in the Strasbourg Jewish school, who was well known as a Jew, was elected in 1848 as a Socialist deputy from the Lower Rhine and this in spite of violent anti-Jewish pogroms in the neighboring communities of Upper Rhine at that time.[34]

Was usury the reason for the anti-Jewish riots? This was the usual contemporary explanation and it is also the opinion of many historians. Let us see. In the arrondissement of Saverne (the home district of many of the Christians who attacked the Jews of Bergheim), 331 mortgages in the amount of 421,679 francs were registered between May 4 and June 25, 1825; only 63 in the amount of 56,314.30 francs were in favor of Jewish mortgagees. In the same region 635 mortgages in the amount of 367,632.72 francs were registered between March 8 and April 13, 1832; only 151 in the amount of 55,436.14 francs were in favor of Jews.[35] In M. M. Kahan-Rabecq's view, the fact that the Jews were the well-to-do class of the population in the villages was an invitation to pogroms. The great poverty of the French Jews, especially in the Alsatian villages, which has been described in detail elsewhere,[36] is usually ignored by the French historians.

[33] M. M. Kahan-Rabecq, *L'Alsace économique et sociale sous le régne de Louis-Philippe* (Paris, 1939), 2 vols.

[34] Szajkowski, "Pogroms . . . ," *Zion*, XX, 98.

[35] Ponteil, "L'Usure . . . ," 231-51; *Opposition*, p. 284; Kahan-Rabecq, *La Classe ouvrière en Alsace pendant la monarchie de juillet . . .* (Paris, 1939), p. 78; Z. Szajkowski, *Agricultural Credit and Napoleon's Anti-Jewish Decrees* (New York, 1953), Table I.

[36] M. M. Kahan-Rabecq, *La Classe . . .* , p. 78; Z. Szajkowski, *Poverty and Social Welfare among French Jews*, 1800-1880 (New York, 1954).

IV

The Problems of Algeria and Foreign Countries

Many other events of this period have a bearing upon Jewish life in France; some of them still require detailed study. One of these is the occupation of Algeria in 1830.

For Charles X this campaign was a well calculated diversion from domestic political troubles. Alger capitulated on July 5, 1830, and the King used this moment of popular rejoicing over the French victory to curb the freedom of the press, to dissolve the parliament, and to institute other restrictive measures. The official excuse for the French occupation of Algeria was an old conflict between the two countries over debts involving two Algerian Jewish families named Bacri and Busnach. For the French conquerors their role was most important.[37]

In France enthusiasm over the victory in Algeria continued even after the abdication of Charles X. Michel Berr, in a pamphlet published in 1830, predicted that Algeria would mean for all peoples the same as the discovery of America and that the Jews there would gain their liberty. Indeed, under French occupation a new era did begin for the Jews of Algeria. Actually, the leaders of the French Jews looked upon the Algerian Jews as an uncivilized horde. But they were nevertheless Jews of a French colony, and something had to be done on their behalf in order not to impair the prestige of French Jewry. Hence, this was a turning-point, not only in the annals of the colonial Algerian Jews, but also for the emancipated Jews of France, who without preparation became the protectors and guides of a large number of Jews outside France. The Central Consistory, for example, helped to organize the Jewish consistories of Algeria.[38] In 1838, Gustave d'Eichthal, a leading

[37] Morton Rosenstock, "The House of Bacri and Busnach: A Chapter from Algeria's Commercial History," *JSS*, XIV (1952), 343-64; "Les Origines de l'expedition d'Alger en 1830," *La Revue libérale*, XXV (1959), 42-58.

[38] M. Berr, *Du passé* . . . (see *infra*, note 58), pp. 27-28; Morton Rosenstock, "The Establishment of the Consistorial System in Algeria," *JSS*, XVIII (1956), 41-54; Z. Szajkowski, "The Struggle for Jewish Emancipation in Algeria after the French Occupation," *Historia Judaica*, XVIII (1956), 27-40.

Jewish Saint-Simonian, prepared a detailed project on how to organize Algerian Jewish consistories.[39]

In 1844 the *Archives israélites* published an appeal for the establishment of a *Comité européen de colonization israélite* as a post-script to an article on the situation of Jews in Poland by Jan Czynski, who was interested in the Fourierist ideas on Algerian colonization. The Saint-Simonians also developed a program for Algerian colonization. But anti-Jewish feelings were strong among the military leaders in Algeria and also colored the attitude of the civil and military authorities in Paris, who were responsible for the newly occupied territory. It was mainly because of this attitude that Jean-Jacques Altaras, the Jewish leader of Marseille, failed in his project to colonize Russian Jews in Algeria.[40]

The Revolution of July, 1830, greatly influenced the fight for Jewish emancipation in other countries, at the same time creating new problems for French Jews, who developed a consciousness of their ties with Jews the world over. As a result they also grew more mature in strictly Franco-Jewish matters.[41]

The Polish insurrection of 1830 was enthusiastically greeted by the republicans of France, who saw in it a logical result of the July Revolution. They demanded France's help for the Poles and the slogans for a French democracy and Polish independence became associated. Soon however, it became clear that France would not wish a war for Polish freedom or for the freedom of any other country. Many French republicans tried to use Polish, German and Italian

[39] *AI*, V (1844), 142-43; J. Czynski, *La Colonisation militaire sous Bugeaud* (Paris-Alger, 1839); Szajkowski, "The Struggle . . . ," *Historia Judaica*, XVIII, 28-29. In 1842 there existed a society of European Jews in Algeria for the help of the native Jews, *AI*, III (1892), 301.

[40] Z. Szajkowski, "New Materials on Altaras and His Colonization Plan," *YB*, XXI (1943), 47-70 (in Yiddish).

[41] "La Révolution de 1830 avait fait tresailler l'Europe, amené le soulévement de la Pologne contre le tsar, de la Belgique contre la Hollande, du peuple contre les princes dans quelques petits Etats de l'Italie et de l'Allemagne, donné des espérances aux libéraux d toute l'Europe. N'allait-elle pas rendre aux Juifs tout ce que la réaction de 1815 leur avait enlevé? Ils espéraient . . ."; Leven, *Cinquante ans* . . . , I, 53.

political groups in France in the fight against the French Monarchy and also in preparation for revolutions in their home countries. At first the Polish National Committee (Komitet Narodowy) in France refused to adopt a policy of involvement in French politics. This was one of the reasons for the founding on March 17, 1832, of an opposition group (*Towarzystwo Demokratyczne Polskie*). Joachim Lelevel, one of the leaders of the Polish refugees, favored a united front with the French republicans, and so did Jan Czynski, a protagonist in the fight for the emancipation of Polish Jewry.[42]

Some French Jews were active in the movement for Poland's freedom, among them Adolphe Crémieux and Alphonse-Théodore Cerfberr. It was Crémieux who was appointed by the Franco-Polish Committee to write the text of the Committee's pathetic declaration of February 12, 1831, in support of the Polish insurrection.[43] The financial transactions of the National Polish Mission were conducted through the bank of Fould-Oppenheim.[44] Jewish participation in the Polish insurrection was enthusiastically greeted in Paris. Eugène Manuel, the Franco-Jewish leader and poet, relates that his grandfather, the cantor Israél Lövy (1773-1832), conducted the services in the Paris synagogue on the very day in September, 1831, that news reached Paris of the fall of Warsaw. He "loved Poland as a fatherland." D. Levi-Alvarez, a well-known educator, called the Polish insurrection "a great poem in action."[45] Many Jews were among the Polish refugees who came to France, where they greatly influenced French Politics.[46]

[42] *Echo Miast Polskich,* I (1843), 11; *Pólnoc,* I (1835), 59; A. Lewak, *Od zwiazków weglarskich do mlodej Polski* (Warszawa, 1920), pp. 17-18.

[43] "Manifeste du Comité Central Français en faveur des polonais," *La Pologne et la France en* 1830-31 (Paris, 1831), 19-33; *Crémieux,* I, 116. Cerfberr's role in the Committee was noted in *Pólnoc,* I (1835), 24.

[44] "Akta misji polskej," vol. 5, part 10, No. 354, etc. (in the Mickiewicz Library of Paris).

[45] L. Börne, *Lettres écrites de Paris,* 1830-31 (Paris, 1832), pp. 172-73; Eugène Manuel, "Israel Lövy, hazan de Paris," *AI,* XI (1850), 349; D. Levi-Alvarez, *Esquisses littéraires* (Paris, 1858), p. 474.

[46] *AI,* IX (1848), 289. The Jewish author of a pamphlet made an appeal for aid to Polish refugees: Joseph Mayer, *Opinion* . . . (Paris, 1832), p. 19.

In 1833 "The Philanthropic Society for the Advancement of Jewish Emancipation throughout the World" was established in Paris to fight for Jewish rights and Polish interests. Among the leading members of the society, presided over by General Marie-Joseph Lafayette and known as the Lafayette Committee, were Adolphe Crémieux, James Mayer de Rothschild, and Alphonse-Théodore Cerfberr. Jan Czynski and others tried to involve this society in French political issues. Crémieux and Rothschild, however, did not wish it to have "a political character," considering it unwise to associate the fight for Jewish emancipation in other countries with a liberal political opposition in France. They were also afraid that such a step might result in anti-Jewish reprisals in Russia-Poland and in other countries. Thus, at the beginning of the July Monarchy, the leaders of French Jewry laid down principles for a Jewish "foreign policy" that were followed in succeeding years by the French Jews. The society had a brief life. In 1833 Czynski and others of its influential Polish members were expelled from France, and it was to this that Czynski attributed the dissolution of the society. Later Léon Hollaenderski, a leading figure among the Polish Jews in France placed the blame for his expulsion on Czynski himself. "Czynski committed a great error; he treated the question of the emancipation of the Israelites as a political question. Attributing all the evil to the aristocracy, he made common cause with democrats exclusively."[47]

Alexandre Weill, an eccentric writer, was active in the "Young Germany" movement, and many fighters for

The author of another 1831 pamphlet wrote that "if the Jews would have been strong enough in Poland . . . to raise the banner against the Tsar we could speak of progress of the human spirit in this century," [J. A. de Fonseca?,] *La Cannemagique ou le libéralisme dévoilé. Roman politique* (La Haye [Paris], 1831), p. 41. See also [Mayer,] *La Pologne et la Russie,* par M., ancien officier français . . . (Paris, 1831), XIX, 24 pp.

[47] Jan Czynski; *Questions des juifs polonais* (Paris, 1833), pp. 21-22; Léon Hollaenderski, *Les Israélites de Pologne* (Paris, 1846), p. 136; Antoni Oskowski, *Pomysly o potrzebie reformy towarzyskiej etc.* (Paris, 1834), pp. 1-5; Z. Szajkowski, "The Founding of the Alliance Israélite Universelle," *YB,* XVIII (1941), 2; Abraham Duker, "The Lafayette Committee for Jewish Emancipation," *Essays on Jewish Life and Thought in Honor of Salo Baron* (New York, 1959), pp. 169-76.

a German republic were among his friends.[48] At a liberal banquet held on March 20, 1834, in Strasbourg the Jewish stockbroker G. Wurmser addressed the German patriots, and on May 27 he read an address by the German patriots at a demonstration in honor of Lafayette's memory. An Alsatian Jew named Weil, brother of a Jewish teacher, died while on a mission in Germany for German refugees in Strasbourg.[49] German refugees in France influenced Jews not only there but in other countries as well.[50]

During the July Monarchy the climate was favorable for a showdown on restrictions against French Jews in Switzerland. The French Jews had tried unsuccessfully to solve this problem during the previous regime. Adolphe Crémieux intervened in 1835, but the question was soon shelved by the government of Louis Philippe, probably in retaliation for his having shifted from passive acceptance of the July regime to support of the republican opposition. Even the Central Consistory, recognizing the government's new attitude, gave up insisting on safeguards for the rights of French Jews in Switzerland. Instead, the fight was left to the Alsatian Jews under the able leadership of M. Nordmann, rabbi of Hegenheim, who continued to press for free entry into Switzerland for French Jews. Nordmann did not plead for the rights of French citizens solely as a question of French principle abroad. He insisted on the emancipation of the Jews of Switzerland as well. This was finally won during the Second Empire of Napoleon III.[51]

[48] A. Weill, *Briefe hervorragender verstorbener Männer Deutschlands* (Zürich, 1899); J. Dresch, "Une Correspondence inédite de Karl Gutzkow de Madame d'Agoult (comtesse de Charnacé) et d'Alexndre Weill," *Revue germanique,* II (1906), 63-95. See also Weill, *Staatsentwürfe über Preussen und Deutschland* (Stuttgart, 1843; also Darmstadt, 1845).

[49] *Opposition,* pp. 390, 405; L. Spach, "Le Grand Duché de Bade en 1848," *Revue d'Alsace,* XVI (1865), 109-11.

[50] Cf. Gustav Freytag, *Karl Mathy* (Leipzig, 1870), p. 127; Otto Wittberger, *Die deutschen politischen Flüchtlinge in Strassburg von* 1830-1849 (Berlin-Leipzig, 1910), p. 14.

[51] Halphen, pp. 109, 456-69; Sol M. Stroock, "Switzerland and American Jews," *Publications of the American Jewish Historical Society,* XI (1903), 7-52; Félix Neher, "Une Carte antisémite de la Suisse au XIX[e] siecle," *Evidences,* IV, No. 27 (1952), 40-44; *idem,* "L'Emancipation des juifs en Suisse au XIX[e] siècle et les Israélites d'Alsace," *L'Alsace et la Suisse à travers les*

The voice of French Jews was also raised in favor of Jews of other countries.[52] During the years 1830-1847 the Jews of England, Germany, and other countries were no less zealous in their efforts for less privileged Jews the world over.

V

The Political Attitude of Various Jewish Groups

The eighteen-thirties saw large-scale participation by French Jews in finance, commerce, and industry. What was the political attitude of the Jewish upper bourgeosie? The Rothschild family clearly favored the Bourbons, but they quickly began to court the new ruler, and J. M. de Rothschild became Louis Philippe's banker. Benjamin Gradis (1789-1858), of the well-known Bordeaux family, was opposed to a parliamentary regime. In various pamphlets he defended a monarchy based, not on the rising bourgeoisie, but on the aristocracy of landowners and also—for reasons of propaganda—on the proletariat. Among the shareholders of the Bordeaux newspaper *Courrier,* founded in 1837, which defended the government and became the organ of the local upper-income class, were the Jewish families Gradis, Perpignan, Raba, and Rodrigues; Bordeaux did not possess any real republican press during the July Monarchy. In another part of France, in Moselle, the *Courrier de la Moselle* followed the republican line of the Paris *National,* while the *L'Indépendant de la Moselle* favored the government. Gerson Lévy (1784-1864), a Jewish author and champion of reform of the Jewish religion, directed *L'Indépendant* from 1830 until 1855.[53]

siècles (Strasbourg, 1952), pp. 385-193; Jacques Brisac, *Ce que les israélites de la Suisse doivent à la France* (Lausanne, 1916).

[52] *E.g.*, Eugen Dalmeyda, *Lettre d'un juif à S. S. le pape Grègoire XVI sur l'édit de l'inquisition d'Ancône contre les juifs . . .* (Paris, 1843), 15 pp.

[53] Count Egon Caesar Corti, *The Rise of the House of Rothschild* (New York, 1928), pp. 391-407; *idem, The Reign of the House of Rothschild* (New York, 1928), pp. 1-33. On Gradis, see E. Carmoly, *AI,* XXIII (1862), 29-34; Z. Szajkowski, "The Struggle over the Election System in the Jewish Com-

From the Jewish community of Bordeaux came a few leaders of the Saint-Simonian school. Thus, Jewishness clearly did not determine the philosophical or political attitude of French Jews. Although A. Crémieux in 1840 spoke in London in the name of "the emancipated Jews in France" in favor of the abolition of slavery, the Gradis family of Bordeaux was against the emancipation of Negroes even in 1848.[54] It is also impossible to clarify the political attitudes of Jews according to their economic and social status. Michel Goudchaux and Marx Théodore Cerfberr were both rich, both came from eminent Jewish families of the same milieu, and both were in the Jewish communities, yet their political affiliations were far apart. While Goudchaux fought as a republican leader, Cerfberr was elected in Alsace a conservative deputy.

There were Jews in the liberal opposition of Alsace. In 1832, G. Wurmser was among the leaders of the Alsatian association for freedom of the press. He, May junior, Léon Bicart, and Michel Goudchaux were active in the *Circle patriotique* of Strasbourg. A Jew named Bloch of Weitersweiler was involved in the importation of contraband arms from Germany in January, 1832. In 1840, when there was a threat of a war because of Germany's attitude against France, Alsatian Jewish horse dealers were sent to Paris in order to negotiate with the Ministry of War on the purchase of horses. They were unable to accomplish anything, and for this the government was blamed by the Alsatian liberals.[55] The most prominent Jewish leader of the Alsatian liberals was the aforementioned Michel Goudchaux, editor of the liberal *Alsacien.* It was he, who, in December, 1831, made

munities of France, 1850-80," *YB,* XXXV (1951), 143-44; A. Charles, *La Révolution de* 1848 . . . [Bordeaux, 1945], p. 49; M. Thiel, *Notice bigraphique sur M. Gerson-Lévy* (Metz, 1865), p. 14; Contamine, *Metz* . . . , I, 371; also the book by the Jewish leader David Singer (1778-1846), *Miroir politique de la France,* par un homme du peuple (Paris, 1841), (on Singer, *AI,* VII (1846), 100-02).

[54] *AI,* I (1840), 383-85; Z. Szajkowski, "Bordeaux et l'abolition de l'ésclavage dans les colonies en 1848," *Revue historique de Bordeaux* . . . XXXXVII (1954), 113-41.

[55] *Opposition,* pp. 247, 302, 305, 624-25, 938-41; *AI,* I (1840), 322-23.

a welcoming speech to the Polish refugees in the name of the national guard, and he was the official host to the Polish generals. Later, Goudchaux went back to Paris where he continued to be among the leading figures of the republican opposition.[56]

Yet Jewish liberals did not follow blindly all republican movements. Thus, while some disappointed Alsatian republicans favored German contacts, the Jews of the province were the strongest pro-French element there. According to the editor of *Les Archives israélites,* the German character of the Alsatian people was responsible for local anti-Jewish action.[57] Neither were all Jewish politicians active republicans, Cerfberr being a case in point.

VI

Intellectuals Without a Cause

The first generations of emancipated Jews in a country of frequent revolutions and changes in regime included men of talent whose accomplishments were small because of their eccentricities. Some of them were active during the July Monarchy.

Michel Berr (1781-1843), the son of Berr-Isaac Berr of Nancy, was the author of *Appel* (1801), an important pamphlet on Jews written by an emancipated French Jew. Another pamphlet, published by him after the events of July, 1830, which was sold for the benefit of the victims of the so-called glorious three July days, was touching stylistically, but the opinions expressed revealed an amateur politician.[58] Berr hoped to secure some high position through

[56] *Opposition,* pp. 100-01, 221-22, 239, 241, 244, 293; A. Gourevitch, "Le Mouvement pour la réforme électorale (1838-1841)," *Rév.* 1848, XI (1914), III, 119.

[57] A. Weill, *Introduction à mes mémoires* (Paris, 1890), pp. 63, 184; George Weill, "L'Alsace de 1815 à 1848," *Revue de Paris,* XXIII — I (1916), 383 ("les juifs . . . une élite instruite . . . entièrement française"); R. [S. Cahen], *AI,* V (1844), 464.

[58] Cf. the following pamphlets by M. B. [Michel Berr], *Observations sur l'acte additionnel ux Constitutions de l'Empire et sur notre situation po-*

the help of his many friends who became leading figures in the new regime, but he was doomed to disappointment, for his extraordinary political ideas made it impossible for his republican friends to trust him. Though he became notorious for his attacks on various personalities and for other eccentricities, he was described as one of the "eminent men amongst us."[59]

Alexandre Weill (1811-1899) was another eccentric, vacillating constantly between various moods and philosophical and political doctrines. He was active as a Fourrierist in spite of the anti-Jewish character of this movement. When H. Balzac published an article against the socialists in the *Corsaire-Satan* (1847), the editor of *La Démocratie Pacifique* commissioned Weill to reply. At the same time he was closely associated with the Saint-Simonians. Karl Gutzkow has characterized Weill thus: "Depending on his mood, he is a German or a Frenchman, a follower of Pierre Leroux or his foe. He has thousands of ideas that evaporate even before he has a chance to express them." He attacked Victor Hugo and others for their atheistic influence on the youth of 1830, while he himself at one time considered baptism. It may be that Weill was not sincere. He is said to have been paid by the government for his articles in a Stuttgart newspaper, while his friend, Heinrich Heine, was paid for his correspondence sent from Paris to Augsburg.[60]

The arrest of the Duchess of Berry, who was plotting a Legitimist insurrection, saved France from civil war. One of the most sensational events of this period, it was made

litique (Paris, 1815); *Notice sur les Benjamites rétablies en Israël, par M. de Maleville* (Paris, 1816); *Lettre à Monsieur le Comte Languinais, membre du Sénat* . . . (Paris, 1814) (with praise for Louis XVIII); *Du rabbinisme et des traditions juives* . . . (Paris, 1832), p. viiJ ("notre glorieuse revolution de juillet"); *Du passé, du présent et de l'avenir* (Paris, 1830); *Encore du présent, du passé et de l'avenir* (Nancy, [1834]).

59 G. Ben Levi, *Moral and Religious Tales* (London, [1846], p. xv.

60 A. Weill, *Introduction à mes mémoires*, pp. 38, 43-45, 65; *Mes batailles* (Paris, 1867), pp. 182, 195, 236; *Feu contre feu! Réponse à un ultramontain* (Paris, 1845); *Le Nouveau Cordelier. 1789, 1830, 1848* [Paris, 1848]; *Briefe* . . . (Zürich, 1889), p. 212; Karl Gutzkow, *Gesammelte Werke*, VII (Jena, n.d.), 282; L. Veuillot, *Oeuvres complètes*, 1st séries, X (Paris, n.d.), 485; Launay, *Figures* . . . , p. 92.

possible only through her denunciation by Simon Deutz, a converted Jew, son of Emmanuel Deutz, the Chief Rabbi of France. This episode provoked much anti-Jewish propaganda; it deserves a separate study.

Among the young men of talent—although liberals did not participate in the events of 1830—Joseph Salvador is to be mentioned. His books had a great influence upon liberal opinion. His study of the constitution of the Jewish people was regarded as an attack upon the French Monarchy and as a justification of the trial of Louis XVI as a legal, constitutional act. There is a question whether Salvador should be considered a Jew. But even if we conclude that he should not, it must be noted that at this time he was known and criticized as a Jewish author. His attitude toward the Revolution of July, 1830, was one of indifference; he was shut up in his world of studies.[61]

In conclusion it should be said that the small world of French Jewry during the July regime was a microcosm of the life of the country, without any sharply defined political attitudes. There were many liberals, many opportunists, some confused people, and they were to be found among Jews, too. There was one exception to this generalization: French Jewry had few outright monarchistic reactionaries. This political inclination was reserved mostly for Catholics.

[61] Gabriel Salvador, *J. Salvador, sa vie, ses oeuvres et ses critiques* (Paris, 1881), pp. 2, 7, 10, 15-16, 22, 33, 39, 56, 70.

REVIEW SECTION

Ancient Jewish History

JUSTINIEN ET L'EPISCOPALIS AUDIENTIA. By *Hasso Jaeger.* Reprinted from *Revue historique de droit français et étranger,* 4th series, vol. XXXVIII, pp. 214 to 262. Librairie Sirey. Paris, 1960.

FROM two points of view this learned and well documented essay by a scholarly Catholic priest deserves careful attention of Jewish historians and particularly of those interested in the history of law.

First, the institution and history of *episcopalis audientia*—episcopal jurisdiction in secular lawsuits among Christians—to which it is devoted, resembles in many respects the autonomous jurisdiction enjoyed by the Jews in the Roman Empire notwithstanding the tendency in Justinian's legislation to curtail or to abolish it altogether. The history and significance of this privilege in the Roman as well as in the Jewish legal systems were recently discussed by this reviewer ("Relations between Jewish and Christian Courts in the Middle Ages," *Historia Judaica,* XXI, 1959, 81-86; and more extensively in his essay, "Zur Frage der Aufhebung jüdisch-religiöser Jurisdiktion durch Justinian," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte,* Rom. Abt., LXXIII, 1960, 395-401). A deeper understanding of the legal-historical development would be furthered by a comparison of these two institutions which, though parallel, evolved in different directions.

Second, the principles of "equity" (*aequitas, epieikeia*) that were to be applied in the administration of justice in the episcopal courts of arbitration of the early Catholic Church are also a subject of research well deserving the Jewish historian's attention. Recently, on treating this problem within a broader framework, this reviewer was surprised to find that up to now it has attracted scarcely any interest within the history of Jewish law. In his bibliography he was able to list only the following contributions to its discussion: Max Eschelbacher, "Recht und Billigkeit in der Jurisprudenz des Talmud," in *Judaica, Festschrift zu Hermann Cohen's siebzigstem Geburtstage* (Berlin, 1912), pp. 501-514. — David Daube, "*Summum Ius — Summa Iniuria,*" in Daube's *Studies in Biblical Law* (Cambridge, 1947), pp. 190-313. — A. Ehrmann, "Law and Equity in the Talmudic Concept of Sale," *Journal of Jewish Studies,* VIII (1957), 177-186 (for Daube's essay cf. G. Kisch, *Erasmus und die Jurisprudenz seiner Zeit* [Basel, 1960], p. 9 n. 11).

Now Father Jaeger has delved into the history of the concept of "equity" the realm of the Bible. He lists and explains the terms corresponding to *aequitas* in the Jewish Bible as well as in the New Testament.

He even examines rabbinic literature relevant to this problem. His inquiry results in the conclusion that *Christiana aequitas* means, in consonance with the biblical and rabbinic conceptions, mercy and compassion (cf. G. Kisch, *op. cit.*, pp. 43f., n. 56). This Jewish-Christian theological concept differs considerably, of course, from the interpretation given to the terms *epieikeia-aequitas* in the historical development of secular jurisprudence.

Father Jaeger's study is a valuable contribution to the *Ideengeschichte* of "equity."

GUIDO KISCH

MEDIEVAL JEWISH HISTORY

THE JEWS OF PERPIGNAN IN THE THIRTEENTH CENTURY. An economic study based on notarial records. By *Richard W. Emery.* Columbia University Press. New York, 1959. xii and 202 pp.

TIME and again a medievalist has been deflected from his major interest by the discovery of a hoard of Jewish documents, in consequence of which he has made a contribution of distinction to historical writing on the Jews. It was in this way that the names of Otto Stobbe, Gustave Saige, Johannes Scherer, Jean Régné—to call the roster of but a few Christian scholars—came to be writ large in the historiography of medieval European Jewry. In a field where the stream of available materials is likely to run thin, a treasure trove of manuscripts illuminating one subject like the Jewry of a single town or country presents an irresistible opportunity and challenge, even when the researcher is a newcomer to the field of Jewish culture. The call of the documents and the fascination of a people even more baffling in its medieval than in its contemporaneous aspects can overcome a hesitancy prompted by difficulties inherent in the exploration of a thirteenth-century Jewish community. On occasion in the past the results have been gratifying. The industriousness of Professor Richard Emery, his mastery of the sources, his skill in extracting from them the answers to meaningful questions, and the solidity of his conclusions serve to rank him alongside illustrious predecessors.

The work under review limits itself to an economic study of the Jews of Perpignan in the thirteenth century. It is based almost exclusively on notarial records of that southern French town, more particularly, on seventeen registers of the years 1261-1287. These are the remnants of an original collection which the author estimates at 1000-2000 such volumes compiled during the period mentioned. In an appendix 139 selected documents in Latin of 1266-1322 are published for the first time. Most of these are bonds of indebtedness to and from

individuals or representatives of the Jewish community (*aljama*). Others are summaries of the content of Hebrew marriage contracts (regularly entitled *quesubba*) or last wills and testaments. The author's method of research is highlighted by several analytical and statistical tables. Additional appendices treat the activities of a non-Jewish financier of Perpignan Arnaldus de Codaleto, determine the value of money in Perpignan in the thirteenth century, and summarize the economic role of contemporary Jews of Montpellier. A general index and a special index of Perpignan Jews (male) conclude the work.

The Jewish community of Perpignan was relatively new, with a population of about 100 families in the period under discussion. It was one of the larger communities north of the Pyrenees, located in a flourishing town of thriving and expanding commerce and industry. From the evidence at hand Emery deduces that the Jews here supported themselves exclusively on income from loans to their neighbors. The typical individual usually operated his own business, accepting bonds or pawns for security. The Jews had a clientele in the countryside, through which they travelled regularly. But the townsmen of Perpignan were their most frequent borrowers. These account for 30 per cent of all new loans in the registers and 42 per cent of the capital involved. The more prosperous craftsmen, the cloth dealers in particular, relied heavily on the Jews' credit. The feudal aristocracy and the clergy formed a minor portion of their clientele. Emery concludes that Jewish credit performed a major function in Perpignan's economy.

The registers also record debts of individual Jews and of the *aljama* to non-Jews. These may represent purchases of goods and property on credit, payment for professional services, perhaps disguised loans of Jews from their fellows through Christian intermediaries, and a few genuine loans. Jews were not particularly interested to acquire real estate; they apparently did not regard land as a profitable or very safe medium of investment.

Professor Emery concerns himself with such vital questions as the (by no means negligible) proportion of bad debts, the rate of interest, and the cost of money in Perpignan. He concludes that the maximum legal rate of 20 per cent was "quite moderate," although higher than in other parts of Southern France, because of the shortage of capital there. He projects 500 cases of papal intervention and 1500 instances of compromise involving the citation of Jews before ecclesiastical courts in actions of "usury." Such suits obviously increased the risks of money-lending. The Jews met no important competition. On the average, they were probably more affluent than their neighbors. A decline in their well-being set in with the early fourteenth century, eventuating in a catastrophic situation by the fifteenth. In 1493 they suffered the fate of their fellow-Jews south of the Pyrenees when Charles VIII ceded Roussillon to Spain.

The notarial records lead to the conclusion that Perpignan Jewry subsisted primarily on income from credit operations. Emery emphasizes this type of livelihood to the exclusion of any other economic activity. But his sources are likely to be silent about Jewish craftsmen since the designation *judeus* or a distinctive given or family name was sufficient identification. The ritual needs of a community of 100 families would require the services of one or more ritual slaughterers, butchers, a tailor, wine manufacturer, perhaps also baker and dairyman, not to speak of a Hebrew scribe (Hebrew documents certainly had legal validity), and community and religious functionaries. There was a Jewish physician although the registers do not designate him as such; his son metal workers, and a courtier (or broker). The broad claim, "No Jew was court physician of Aragon. The sources identify Jewish butchers, described as a tailor has ever been cited from any Perpignan document" (p. 22), has to be revised. This reviewer holds the microfilm of a Perpignan document dated July, 1373, which transmits the civil contents of a Hebrew marriage contract that begins as follows: "*Nouerint vniuersi, quod ego praeciosa filia Jusse Abram sartre Judei quondam perpiniani. . . .*" Emery finds an increase in the number of Jewish craftsmen in the fourteenth century.

The rabbi of Perpignan, Menahem b. Solomon Meiri (Vitalis Solomon Meir), a prolific writer, noted halakhist and philosopher, appears thirty-one times in the notarial registers as money-lender. This need not mean that he derived his income in major part from this source. A medieval rabbi was frequently the executive of his community to whom bad debts were assigned for collection. An individual who claimed tax exemption on the ground of an uncollectible or non-income-producing debt signed his bond over to the community (or rabbi) on condition that they could retain from 25 to 75 per cent of the sum collected. The present sources do not reveal whether the relatively large number of loans recorded in Menahem's name were a step toward the collection of original assignments of this nature. In any event it need not occasion surprise that the professionals and craftsmen sought opportunity for " a second income" through investments of available cash.

It would have been helpful to the reader, who cannot be so familiar with the sources as the author, it he had provided brief summaries at the head of each of the documents he reproduced.

In many respects this work is exemplary. The author frequently poses very difficult questions. He solves them with admirable dexterity and good judgment, and thereby extracts significant information from his data. Professor Emery ought to continue to interpret the vast material in his possession, which he has begun in this work to sift, edit, and elucidate so competently.

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History of Jews in Germany

GESCHICHTE DER JUDEN IN BRESLAU VON 1454 BIS 1702. By *Bernhard Brilling*. (Studia Delitzschiana. Abhandlungen und Texte aus dem Institutum Judaicum Delitzschianum Münster, ed. Karl Heinrich Rengstorf, Vol. 3). W. Kohlhammer Verlag. Stuttgart, 1960. 110 pp.

IN the pages of this journal it has often been deplored that both the past and the most recent history of German Jewry have not been given the attention and care they deserve. This is particularly true of the history of the once famous large centers of Jewish life. Now, after the destruction of what in the nineteenth century had been the leading Jewish community in the Western world, the situation seems to be remedied. Jewish history during the one and one-half centuries of the Emancipation is the task of the Leo Baeck Institute, while Yad ve-Shem is devoting itself to the exploration of the Jewish catastrophy in the Hitler era. The Munich Institut für Zeitgeschichte is spending considerable effort on the same problem. German cities, which once harbored large Jewish communities, are now anxious to demonstrate their interest through historical publications on the Jewish contribution to their own growth and cultural achievements. Lately, newly arisen Jewish communities also have felt the urge to perpetuate the memory of their predecessors on German soil which go back for centuries. To mention only one monumental publication: last year, a profusely illustrated volume on the history of the Jews of Cologne, of almost 500 pages, appeared under the editorship of *Zvi Asarja* (Verlag J. P. Bachem, Cologne).

The slim-booklet under review does not belong to any of the described literary categories. It is a doctoral dissertation at the West-German university of Münster. Its author is the former archivist of the Jewish community of Breslau, one of the oldest East German Jewish settlements, whose history can be traced back to the twelfth century. The first draft of his book was conceived prior to 1933. When he had to flee National Socialist tyranny, he was able to save his historical material and continued to work on it in Palestine. After his return to Germany, he completed his task.

In seven chapters the author describes the rise in the seventeenth century of the Jewish community of Breslau where the Jews had been expelled in 1453. The Jews, who sought to be admitted by the municipal authorities as permanent settlers, previously having been merely temporary visitors at the fairs, were regarded at one and the same time as welcome promotors of the economic life of the city and as unwelcome competitors of the merchants and their commercial and artisan associations. The main importance of Jewish trade lay in the fact that it provided precious metals to the imperial mint, which, during the Thirty Years

War, had been in a constant state of disorganization. But in spite of their evident usefulness to the state and the city, the Jews had to fight hard for their status as permanent residents and for recognition of their right to practice their religion openly and to maintain their religious institutions. It was only through the intervention of the then influential Polish Jewry and its representative that Jews finally won these concessions in Breslau.

The value of this study consists largely in the fact that it preserves evidence of historical materials which to a great extent are either lost or not accessible under present political conditions. They were collected by the author with great care and industry, and with the expertness of a local historian. They will prove indispensable for future research.

The period of about two hundred and fifty years, however, is really too limited to offer a true picture of the significance of the Jewish community of Breslau for East German economic life or even for the more limited territory of that important East European trade center. The historian deplores the absence of an introductory survey of the medieval history of the Jews in Breslau. To compile such a sketch on the basis of Marcus Brann's researches would have offered no difficulty, and it would have been useful because the annual reports of the Jewish Theological Seminary of Breslau, in which its medieval history was published, have become very rare owing to the destruction of the war. Moreover, the author does not describe adequately the internal religious and cultural life of Breslau Jewry, but concentrates chiefly on their struggle for admission and for the maintenance of their "Schulen" (small-scale religious services mostly in private homes). The author had perhaps reserved such a presentation of Jewish religious and cultural life in Breslau for later publication, since he mentions in several places articles on similar subjects which he had previously prepared. As the number of competent local historians is constantly diminishing, he should not hesitate to make them available soon.

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JEWS IN GERMAN UNIVERSITIES

DIE GESCHICHTE DES PRIVATDOZENTEN. Eine soziologische Studie zur grossbetrieblichen Entwicklung der deutschen Universitäten. By *Alexander Busch.* (Göttinger Abhandlungen zur Soziologie, ed. by H. Plessner. Vol. 5). Ferdinand Enke Verlag. Stuttgart, 1959. iv and 163 pp.

THIS sociological-historical study of the "Privatdozent," a unique institution in German universities—a kind of volunteer teacher who, for the most part, was just starting out on an academic career and

was not paid for his services—contains an appendix which includes a discussion of the "status of the Jews on the faculties of [German] universities" from the beginning of the nineteenth century to the present. The struggle of German Jews for the right to pursue a university career was part of their fight for emancipation. Both were achieved in the Weimar Republic, after a century-long tedious development repeatedly marred and interrupted by anti-Semitism, to be destroyed shortly thereafter by National Socialist brutality and tyranny.

The author's presentation is divided chronologically into four periods (1815-1848, 1848-1880, 1880-1903, 1903 to the present including the Hitler era), following the division of modern Jewish history in Simon Dubnow's "World History of the Jews." It is based mainly on Dubnow's *Weltgeschichte des jüdischen Volkes* and on Martin Philippson's *Neueste Geschichte des jüdischen Volkes*. Another principal source is the very informative, almost forgotten, and until now little used monograph by M. Kalisch, *Die Judenfrage in ihrer wahren Bedeutung für Preussen* (Leipzig, 1860). The quotation from Disraeli (p.152, note 152) should have been verified instead of being given in the dubious text of the notoriously antisemitic *Handbuch der Judenfrage* by Theodor Fritsch. The full story of Remak's appointment as Privatdozent at the University of Berlin and his struggle for a professorship may now be found in Bruno Kisch's *Forgotten Leaders in Modern Medicine: Valentin, Gruby, Remak, Auerbach* (Transactions of the American Philosophical Society, n. s. XLIV, part 2, Philadelphia, 1954), pp. 261ff.

The exposition, accompanied by statistical tables, attempts to treat the problem in a scholarly and objective manner. However, the material is not exhausted, nor is a complete history offered. The problem deserves the attention of the Jewish historian, even full treatment. A bibliography for the period prior to the nineteenth century is found in this reviewer's book, *Die Prager Universität und die Juden* (Mährisch Ostrau, 1935), pp. 90f. n. 150. Pertinent questions will be discussed in his forthcoming study, *Die Universitäten und die Juden*, to appear in 1961.

GUIDO KISCH

THE THIRD REICH AND ITS THINKERS

DAS DRITTE REICH UND SEINE DENKER. By *Léon Poliakov* and *Josef Wulf*. Arani Verlags - G. m. b. H. Berlin - Grunewald, 1959. xi and 560 pp.

THIS work, the third in a series of documentary volumes, deals with the "Third Reich and Its Thinkers," having been preceded by "The Third Reich and the Jews" and "The Third Reich and Its Servants." It presents a comprehensive cross-section of the German world of thought and all kinds of intellectual activities under the National Socialist

tyranny. Authentic documents, some of them classified originally as "top secret," from all areas of intellectual life reveal the methods employed to suppress or emasculate scholarship and religion, law, justice and public opinion. At the side of the "Führer" and his devoted human (better, inhuman) tools stood many more or less voluntary assistants, some of them scholars of high achievements. Some of these recanted sooner or later (perhaps not all of them in their hearts), without thereby having diminished their responsibility for the almost unbelievable bestialization of human beings in their treatment of their fellow men.

The documentary material—all in the German language—is arranged in twelve chapters: (1) Weltanschauung; (2) Universities; (3) The Nazi "Academy"; (4) Theology; (5) Philosophy; (6) Natural Sciences; (7) Law; (8) History; (9) The New Doctrine of Man; (10) Information and Propaganda; (11) The New Order in the World; (12) From Birth to Death.

It is quite impossible to point out individual outstanding examples of the human perversion, brutality, and coldblooded bestiality that prevailed. Every utterance transcends the power of the imagination to conceive the miserable depths to which the human mind, thought, and action can sink. One must read these documents, and when one does, one will shudder. All the more so, since these materials have not been selected with the purpose of gathering only the most gruesome "intellectual" outpourings, nor are they altogether complete. In the field of law, the one most familiar to him, this reviewer can add documents and the names of former enthusiastic and top rank Nazis who are again and still "in Amt und Würden," meaning in responsible teaching positions today. He can also point to the fact that a man like Professor Carl Schmitt, well represented in this volume by an article (p. 329) justifying on legal grounds the Führer's murders of June 30, 1934, was recently honored with a *Festschrift* on the occasion of his seventieth birthday, which was initiated and sponsored by, among others, former Nazi professors also represented in this volume.

Attempting to compile an impartial collection, the editors also included some extremely scarce documents of resistance by upright men of intellectual integrity and great courage. Of these, the brave outcry of an anonymous Bavarian justice against the legalization of the murders of June 30, 1934, applauded by the above mentioned professor of law, should be singled out here: "Wir sind Richter, nicht Götzendiener" (We are judges, not idolators—pp. 351f.).

A great deal of information, particularly on the persecution of the Jews, can be derived from the horrifying contents of this collection of documents. But to go into this matter would transform this review into a historical-critical essay. Such an essay could and should be written on the basis of this expertly and painstakingly compiled documentary material, for the arrangement of which historians and historiography as such owe a great debt of gratitude to the authors collectively.

In addition to pointing out this desideratum, this reviewer can touch only briefly in these concluding remarks on a problem that arises. This is the question of collective responsibility ("Kollektivschuld") that the historian, confronted with these documents, must inevitably pose. H. R. Trevor-Roper, the Oxford historian who dug into the records of the Third Reich and produced the wellknown volume *The Last Days of Hitler,* wrote recently in a review of the monumental history of Nazi Germany, *The Rise and Fall of the Third Reich* by William L. Shirer: "The Germans imposed the Nazi tyranny on themselves. Moreover, they kept it on themselves. At every stage at which a protest might have been made, there was not merely inaction but silence" (*New York Times Book Review,* October 16, 1960, p. 39). The rare exceptions from the early years of the Nazi Reich found in the collection of documents under review only confirm the generalization. Silence was particularly persistent among the university professors, who profited by it, but who later protested their innocence. Even one who rejects the generalizing doctrine of "Kollektivschuld" in view of the courageous acts of resistance and assistance to Nazi victims described and extolled in several publications, such as Philip Friedman's *Their Brothers' Keepers,* will not be able to argue against the collective responsibility of comparatively small, but still large enough, professional circles because of their unbroken silence of almost a dozen years. *Commissio per omissionem,* perpetration by inaction is a principle of criminal law known to every student of law. An outstanding German philosopher of law recently made this general statement: "Silence is abuse of formal law, hence in essence wrongdoing" (Wilhelm Sauer, *Die Gerechtigkeit,* Berlin, 1959, pp. 154-157: "Das Schweigen wäre Missbrauch des formalen Rechts, materiell also Unrecht").

GUIDO KISCH

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AMERICAN JEWISH HISTORY

THE JEWS IN MINNESOTA: THE FIRST SEVENTY-FIVE YEARS. By *W. Gunther Plaut.* American Jewish Historical Society. New York, 1959. xv and 347 pp.

THE author, rabbi of Mt. Zion Hebrew Congregation of St. Paul, has written a fine volume, in which he carefully describes and documents with scholarly research the story of the Jews in Minnesota from 1856 to about 1925. Jewish life in St. Paul, Minneapolis, and Duluth is vividly portrayed as it evolved in the synagogue, the home, and the community. The small communities in Minnesota also find their proper niches.

The author begins with the hardy pioneers who helped to open up the West. Among the early settlers were men like Jacob S. Noah, son of the well-known Mordecai M. Noah. The first synagogue in St. Paul, that of Mt. Zion, was established in 1856. The early Jewish settlers were German Jews, the synagogue service was traditional and so was their home life. Kashrut was an important problem for them. Membership in the synagogue made available the services of the shochet. The German Jews were soon followed by Yiddish-speaking Polish Jews, who founded Congregation Sons of Jacob in 1872. By 1879, Mt. Zion was a Reform congregation. Dr. Plaut claims that "it was the very presence of the new eastern European immigrants which encouraged the development of Reform and accelerated it psychologically." But the social schism is only part of the answer. Jewish life cut off from Jewish sources, the lack of Jewish education, freedom and the rational atmosphere prevailing in the eighteen-sixties and eighteen-seventies are other important factors. The book describes the social cleavages, the struggle between Reform, Conservative and Orthodox, the development of social life, Jewish education, Zionist activity, and integration within the general community.

Only a local history can highlight heroic events that become blurred or forgotten in general history. For instance, early in 1882 two hundred refugees arrived in St. Paul and were cared for by a Jewish community that hardly numbered many more. Another two hundred were sent by the Mansion House Committee in London. They arrived in St. Paul on July 14, 1882, on the eve of the Sabbath. What a social and humanitarian problem was involved in caring for these destitute and ill refugees! But the Jews in St. Paul, Minneapolis, and Duluth had great Jewish hearts. Help also came from other communities of America and from the Committee in London.

Only a local history can make vivid the historic attempt by the Rev. Dr. Jacob Wexler to settle some of these refugees on the land in North Dakota. This agricultural settlement was called Wexler's Painted Woods. Another agricultural settement sponsored by the Jews of Minnesota was Devil's Lake.

According to the author, Minneapolis developed differently from St. Paul because it had more Eastern European Jews, and they led more of a ghetto life. Duluth came later, with the opening up of the iron mines and the Great Lakes to commerce.

Rabbinic and lay personalities left their individual stamp on these Minnesota communities. Rabbi Samuel N. Deinard was an ardent Zionist, and Rabbi Isaac L. Rypins was a militant anti-Zionist. Nina Morais Cohen, daughter of Dr. Sabbato Morais, had a great cultural and social influence on the Jews of Minneapolis, as did her husband, the lawyer Emanuel Cohen.

Jewish education in Minneapolis must be singled out for commendation because of Dr. George B. Gordon, who gave up a medical practice

to devote his life to teaching the Torah to the younger generation. The results have earned him lasting recognition. The Minneapolis Talmud Torah has become an honored name because of the many rabbis, teachers, and educated laymen it has produced.

The Jews in Minnesota is the story of seventy-five years of Jewish pioneering, adjustment, cultural assimilation, Zionist dreaming, social integration as well as social discrimination, and the laying of foundations for sound, integrated Jewish communities. It is a well-written book. We could wish that it were carried on beyond 1925 so that we could see the fruits of the first seventy-five years. Also a local history should contain a map or two as well as pictures of early institutions and important personalities who have influenced the life of the community. The index is valuable because it enables us to trace the migration of Jews from other communities and follow their leadership from one place to another.

The book under review is another foundation stone in the structure of Jewish history in America. American Jewish history will be more adequately understood when we have more such communal histories as *The Jews in Minnesota.*

S. JOSHUA KOHN

Trenton, New Jersey

THE JEWS OF CALIFORNIA: FROM THE DISCOVERY OF GOLD UNTIL 1880. By *Rudolf Glanz.* Rudolf Glanz, 620 West 171st St. New York, 1960. 188 pp.

MAINLY on the basis of contemporary newspapers, the author describes the immigration, settlement, and the economic, religious and cultural life of the Jews in California from the days before the Gold Rush, through the period of the "gold-seekers," down to the year 1880. The book offers a colorful and interesting picture of Jewish pioneering in the West, well documented by the collection of the widely dispersed information on the beginnings of Western Jewish communities.

G.K.

BIBLIOGRAPHY

SCHRIFTEN ZUR GESCHICHTE DER JUDEN: EINE BIBLIOGRAPHIE DER IN DEUTSCHLAND UND DER SCHWEIZ 1922-1955 ERSCHIENENEN DISSERTATIONEN. By *Guido Kisch* and *Kurt Roepke.* (Schriftenreihe wissenschaftlicher Abhandlungen des Leo Baeck Institute of Jews from Germany, No. 4). J. C. B. Mohr (Paul Siebeck). Tübingen, 1959. xi and 49 pp.

IN 1931, two years before the catastrophe of 1933, Professor Kisch published in volume 3 of the *Zeitschrift für die Geschichte der Juden in Deutschland* a bibliography of dissertations dealing with Jewish history

which were written in Germany during the period from 1922 to 1928. In the introduction to that bibliography, he emphasized the critical status of Jewish bibliography in Germany, especially since at that time there existed in that country no specific periodical devoted to this field.

Fortunately, the end of Jewish scholarly activities in Germany did not mean the end of a scholarship influenced by German Jewish tradition. In the introduction to the present bibliography, Professor Kisch gives a valuable survey of Jewish bibliographical activities in Germany in and since the nineteenth century. In conclusion, he lists the main periodicals which, since 1938, have continued the tradition mainly in this country: *Historia Judaica, Journal of Jewish Bibliography* (1938-1943), *Studies in Bibliography and Booklore,* and—since 1956—the Year Books of the Leo Baeck Institute. There is, however, no bibliography in existence which gives a comprehensive survey of all writings on Jewish history to this day. The present bibliography, therefore, helps to fill a gap and meets a substantial need.

Basically an expansion of the earlier bibliography of 1931, the present compilation includes all dissertations published between 1922 and 1955 in Germany and Switzerland, 396 titles in all. In its preparation, Professor Kisch was assisted by his former assistant Kurt Roepke, now at the University Library of Tübingen. The bibliography is a pioneering venture in the sense that it is the first exclusive bibliography of dissertations on Jewish history, either general or regional.

The compilers apply a systematic, or classified, arrangement which is followed by an index of authors. The extensive materials have been arranged in twelve main sections: General Jewish Writings, Biblical and Talmudic Law, History and Philosophy of Religion, Social, Legal and Economic History, the Constitutional Status of Jews in Germany and Switzerland, Statistics, History of Anti-Semitism, Judaism in Literature, Philology and Art, Education, Biology and Medicine, Psychology, Palestine and Israel. Some of the sections are appropriately subdivided. Listed are not only printed but also typewritten dissertations of Jewish and non-Jewish authors, including anti-Semitic and National Socialist publications. The bibliographical information is detailed and complete. It helps to establish this compilation as an essential reference tool for every research worker in the field. The Leo Baeck Intsitute of Jews from Germany deserves credit for publishing this valuable book in its series of scholarly monographs.

KURT SCHWERIN

Northwestern University

DER BASLER TALMUDDRUCK 1578-1580. By *Joseph Prijs*. Urs Graf-Verlag. Olten-Basel-Lausanne, 1960. Pp. 175-210.

IT took quite a number of years for Rabbi Joseph Prijs of Basel to prepare a comprehensive descriptive catalogue of all Hebrew books published—since the invention of printing—in Basel where, in the period of the flowering of Humanism, Hebrew was intensively cultivated in addition to Latin and Greek (cf. a bibliography on Hebrew printing in Basel in this reviewer's "Forschungen zur Geschichte des Humanismus in Basel," *Archiv für Kulturgeschichte*, XL, 1958, pp. 200, n. 14 and 203f., n. 21). Unfortunately, the learned compiler did not live to see the fruits of his industrious work in print. It will still take some time before the process of printing this work, made difficult by the fact that numerous languages are involved, will be completed. Dr. Bernhard Prijs, a son of the author, is completing his father's work and seeing it through the press.

For the occasion of the five hundredth anniversary of the University of Basel, in whose magnificent library an abundance of Hebrew incunabula and early prints is to be found, he arranged with the publisher for a pre-publication (limited) edition of the section on the Talmud published in Basel 1578-1580. This edition has repeatedly been the subject of study since it came from the famous printing press of Ambrosius Froben in Basel. It was based on the Bomberg edition (Venice, 1520-23 and 1526-48). According to the requirements of censorship, however, an expurgation had to be made. "After his [Marcus Marino of Brescia] omissions, substitutions, and explanations had been made, the great work was left woefully, often foolishly, mutilated" (William Popper, *The Censorship of Hebrew Books*, New York, 1899, pp. 56ff. and passim). It is obvious, therefore, that this edition could serve for the study by Jewish scholars only as long as no unexpurgated editions were available.

Dr. Prijs offers a full biblographical description of all sections of the work accompanied by excellent reproductions of the title page—on which the name *Talmud* had to be omitted—of the printer's marks and the beautifully executed Hebrew initials. The adventurous story of how this edition of the Talmud came into being and how it was completed (it almost drove the publisher to suicide), is graphically told, and the methods and results of the work of censorship and expurgation are interestingly described. A full bibliography of the writings devoted to the Basel Talmud edition precedes the historical and bibliographical sections.

GUIDO KISCH

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