

NEWER APPROACHES TO JEWISH EMANCIPATION

“Jewish emancipation”—the term itself started to come into common use after the achievement of the Catholic emancipation in England in 1828—is a weighted phrase. Like the corresponding Roman legal concept, it connotes the release of Jews from previous bondage into a state of freedom. As such it has represented a major stage in the struggle of liberal forces for the attainment of equality of rights for all men and was the dominant factor in the political and legal evolution of modern Jewry. From that standpoint modern Jewish history has often been equated with the progress of legal equality. In fact, most historians have dated its beginning with the emancipatory legislation of the French Revolution, that is, with the proclamation by the French National Assembly in January, 1790, of the equality of rights of Sephardic (Spanish-Portuguese) Jews and of the Ashkenazic (German-Polish) Jews in September, 1791. So widely accepted was this periodicization that it was considered an expression of American nationalism when, some three decades ago, two American Jewish historians, Max L. Mar-

golis and Alexander Marx, pushed back the inception of that period a few years to the era of the American Revolution.¹

Concomitant with that view was the treatment of the pre-emancipation period as that of the Jewish Middle Ages, which, it was generally accepted, lasted long beyond 1492, the recognized end of the European Middle Ages. Not surprisingly, the Jewish disabilities of that medieval period were depicted in darkest colors, against which the new era of emancipation shone the more brightly. Some enthusiasts among Jewish and non-Jewish liberals actually spoke of Jewish emancipation in exalting, almost messianic, terms. While the excessive optimism of the protagonists of Jewish equality, like that of nineteenth-century liberalism in general, had to be toned down in the light of the ever harsher realities, the underlying historical conception has undergone little change.

The time has come, however, to subject this view to a renewed careful scrutiny. Now that the main struggle for Jewish equality has been won and, despite the persistence of various forms of discrimination and Jew-baiting, the major controversies have shifted to other domains, one ought to review the story of the last two or three centuries with greater detachment and a better sense of perspective. In this reappraisal the following lines of investigation are clearly indicated.

STRUCTURE OF MODERN STATE

The first thing to remember is that Jewish emancipation was as much a historic necessity for the modern state as it was for the Jews. The pre-emancipatory Jewish status prevailing in most European countries, namely, that of a self-governing and largely self-contained Jewish community endowed with special rights and special duties, was possible only in the then existing corporative societies where everybody lived as a member of a corporate group endowed with some such special rights and duties. True, the status of the Jewish community had some extraordinary—indeed, unique—features. While part and parcel of the respective

1. Max L. Margolis and Alexander Marx, *A History of the Jewish People* (Philadelphia, 1927). The Older point of view is well exemplified by Martin Phillipson and Simon M. Dubnow, each of whom wrote a three-volume *Neueste Geschichte des jüdischen Volkes*, beginning with the French Revolution. The former appeared in a second revised edition, Vols. I–II (Frankfort, 1922–30), Vol. III (1911). Dubnow's work was later incorporated in a revised form as the last three of ten volumes in his *Weltgeschichte des jüdischen Volkes* (Berlin, 1925–29). See also the other literature listed in my brief summary, "Jewish Emancipation," *Encyclopaedia of the Social Sciences*, VIII, 394–99.

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corporate structures, it stood in some respects outside all of them. No matter how long Jews lived in a country, no matter that in some areas their ancestors had settled long before the Christian majority had arrived (for instance, in Bulgaria the Jews were definitely recorded long before the advent of the Slavic-speaking Bulgarians), the latter were recognized as the native autochthonous populations, whereas the Jews were considered aliens, temporarily living there on mere sufferance. The Christian world and the Jews themselves had long agreed that since the fall of Jerusalem the Jews had been living in exile, that is, as more or less temporary sojourners who, at the end of days, would be restored to their ancient homeland in Palestine. In the meantime even outstanding rabbis agreed that the rulers had the right freely to admit Jews as well as to revoke that admission and expel them. Nevertheless, so long as they were tolerated at all, Jews lived everywhere on the basis of royal privileges which defined their status in a way comparable to that of the other corporate bodies in the country.²

Even in its absolutist phase, the modern state was gradually leveling down these corporate differences. Certainly, the democratic state could only arise after it had overcome these traditional corporate divergences and erected in their place a truly egalitarian society. The persistence of a Jewish community, still endowed with a separate status of its own, had become anachronistic. Now, like members of the other corporate groups, Jews had to be freed from the overwhelming social control of their own community and incorporated into society at large as citizens equal before the law. The old-type Jewish corporate body had become as much of an anomaly as the feudal lord or his vassal and serf.

Consciously or unconsciously, this factor made itself more strongly felt in Central Europe than in the western European countries and their colonial empires. By the end of the Middle Ages the Jews had been expelled from England, the Low Countries, France, and the Iberian Peninsula. As a result the newly arising democratic societies in western Europe could make a fresh start in trying to solve their Jewish

2. See my "Ghetto and Emancipation," *Menorah Journal*, XIV (1928), 515-26; and, more fully, in my *A Social and Religious History of the Jews* (3 vols.; New York, 1937), with many additional data and bibliographical references. Of course, that bibliography is no longer up to date—the revised edition of that work, Vols. I-VIII (New York, 1952-59), has not progressed beyond the twelfth century—but it may be supplemented by my survey of "Some Recent Literature on the History of the Jews in the Pre-Emancipation Era (1300-1800)," which is to appear in the *Journal of World History*.

problem. The first to embark upon that new venture, Holland, was the less burdened with the medieval heritage, as it had emerged into independence through a revolutionary break with that tradition. Soon after its War of Liberation it, therefore, readmitted the Jews into its newly growing commercial center of Amsterdam (1593). When the status of the Jews came under debate, the city of Amsterdam appointed a committee of two, its Burgomaster Van Pauw and the celebrated jurist Hugo Grotius, to prepare a detailed proposal for the regulation of Jewish rights and duties. Grotius, who was not only a distinguished constitutional lawyer but also a theologian and Hebraist of note, prepared a memorandum which laid the ground for the new legislation concerning Jews. If he still advocated a number of restrictions to be imposed upon Jews, this was clearly done in order to safeguard the interests of the established Amsterdam burghers. For example, he advocated that Jews not be allowed to engage in retail trade, in which they would compete with the numerous Christian shopkeepers. However, basically Jews were to be admitted to the enjoyment of all rights not specifically excluded by law. In other words, this was fundamental equality minus certain specific disabilities rather than a status of special rights and duties. In fact, in the following two centuries Amsterdam Jews lived a prosperous and culturally rich life, often enjoying the formal rights of “burghers” and taking the few remaining disabilities in their stride.³ A similar situation soon developed in England. Although anti-Jewish hostility, which had led to the expulsion of 1290, still made itself felt from time to time—as late as 1608 the well-known jurist, Sir Edward Coke, had declared that “infidels including Jews are subjects of the Devil and perpetual enemies, with whom and Christians there is perpetual hostility and no peace”—the renowned negotiations between Oliver Cromwell and the Amsterdam rabbi, Menasseh ben Israel, were aimed at the readmission of Jews to the British Isles under

3. Hugo Grotius (De Groot), *Remonstrantie nopende de ordre dije in den landen van Hollandt en de Westvrieslandt dijentgestelt op de Joden*, recently reissued by Jacob Meijer (Amsterdam, 1949), with the comments thereon by Arthur K. Kuhn, “Hugo Grotius and the Emancipation of the Jews in Holland,” *Publications of the American Jewish Historical Society*, XXXI (1928), 173–80; and by Meijer, “Hugo Grotius Remonstrantie,” *Jewish Social Studies*, XVII (1955), 91–104. See also, more generally, Hendrik Brugmans and Abraham Frank (eds.), *Geschiedenis der Joden in Nederland*, Vol. I (Amsterdam, 1940); and Herbert I. Bloom, *The Economic Activities of the Jews of Amsterdam in the Seventeenth and Eighteenth Centuries* (Williamsport, Pa., 1937).

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conditions similar to those prevailing in Holland. If, because of the traditional animosities, Cromwell failed to persuade the so-called Whitehall Conference to adopt a favorable resolution and adjourned it before it could take any unfavorable action, the suspense thus occasioned in the status of the Jews already settled in England, as well as of those arriving there in the following decades, doubly prevented the establishment of a community endowed with a special legal status. Often ignored by the law of the land, the Jews lived to all intents and purposes as equal citizens subject only to such disabilities as arose indirectly from the existing legislation, largely aimed at other groups, especially Protestant dissenters and Catholics. At times they were precluded from enjoying certain rights merely because they could not square it with their conscience to take a required oath of admission which, naturally enough, was couched in Christian terms. In fact, the so-called Jewish emancipation of 1857–58 consisted in the alteration of such a formula for members of Parliament, thus enabling Jews elected to that august body to assume their seats. Long before that action, in 1697, while the law of expulsion of 1290 still was technically on the statute books and had not been formally abrogated, the London Stock Exchange, which was soon to grow into the leading exchange in the world, adopted a regulation providing for a total membership of 124, of whom 100 were to have the freedom of the City of London, twelve were to be foreigners, and twelve Jews. Thus Jews were reserved nearly 10 per cent of the total membership in one of the citadels of the English bourgeoisie which was to play a major role in the commercial and industrial revolutions and, indirectly also, in the political life of the country. On the other hand, anti-Jewish feeling was still strong enough to prevent the implementation of the formal emancipatory “Jew Bill” adopted by Parliament, in 1754, on the initiative of Prime Minister Pelham. As a result of the anti-Jewish agitation the government had to reverse itself and, within four months, to propose to Parliament the revocation of that law. However, the Jewish community continued to prosper and grow in numbers under that earlier vague status of basic equality minus specific disabilities.⁴ British colo-

4. Cecil Roth, *A Life of Menasseh Ben Israel, Rabbi, Printer and Diplomat* (Philadelphia, 1934); Mordecai Wilensky, *Shivat ha-Yehudim le-Engliyah* (“The Return of the Jews to England in the Seventeenth Century”) (Jerusalem, 1944); and such more detailed analyses as Nathan Osterman, “The Controversy over the Proposed Readmission of the Jews to England,” *Jewish Social Studies*, III (1941), 301–28; Don Patinkin, “Mercantilism and the Readmission of the Jews to England,” *Jewish Social Studies*, VIII (1946), 161–78; John

nies went much further. While Holland and, in a different way, France treated the Jews settling in their respective colonies essentially on the basis of the laws governing the mother countries, England allowed her colonies much more leeway. The Jews arriving in Britain's North American colonies were usually treated like other Europeans without special reference to their religion. That is partly why we are so ill informed about the early Jewish settlers in many British colonies; their settlement evidently had made no impression upon their contemporaries and elicited no special legislation. Only occasionally is a Jew mentioned as such in the records; otherwise we must merely guess his Jewishness from his Jewish-sounding name—always a precarious undertaking, doubly so in a Puritan environment which delighted in adopting biblical names. Only when Jews arrived in large groups, as in New York (at that time still the Dutch colony of New Amsterdam) in 1654, and in Georgia in 1733, was the issue raised. But after some initial difficulties Jews began enjoying basic equality of rights in both colonies. After taking over New Amsterdam from the Dutch in 1664, the British governor, Andros, could be instructed to proclaim in 1674 that he intended to permit all persons of what Religion so ever, quietly to inhabit within the precincts of our jurisdiction without giving them any disturbance or disquiet whatsoever for or by reason of their differing opinions in matters of religion: Provided they give no disturbance to the public peace nor do molest or disquiet others in the free exercise of their religion.

In Georgia, then a newly founded colony, Jews apparently amounted to nearly one-fifth of the entire initial white population.⁵

Bowman, "A Seventeenth-Century Bill of 'Rights' for Jews," *Jewish Quarterly Review*, XXXIX (1948–49), 379–95; and Lucien Wolf, "The First Stage of Anglo-Jewish Emancipation" in his *Essays in Jewish History* (London, 1934), pp. 115–36; and M. F. Modder, "Aspects of Jewish Emancipation in England," *London Quarterly Review*, CLVIII (L933), 453–63. See also the more comprehensive studies by H. S. Q. Henriques, *The Jews and the English Law* (Oxford, 1908), and Cecil Roth, *A History of the Jews in England* (2d ed. rev.; London, 1949).

5. *Documents Relative to the Colonial History of the State of New York* (15 vols.; Albany, 1853–57), III, 216 ff., sec. 11. See Max J. Kohler, "Civil Status of the Jews in Colonial New York," *Publications of the American Jewish Historical Society*, VI, 81–106; *idem*, "Phases in the History of Religious Liberty in America," *ibid.*, XI (1903), 53–73; Abram Vossen Godman, *An American Overture: Jewish Rights in Colonial Times* (Philadelphia, 1947); and, more generally, Jacob Rader Marcus, *Early American Jewry* (2 vols.; Philadelphia, 1951–53).

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To be sure, that general equality was marred by some specific disabilities which, though rarely enacted against Jews as such, indirectly affected them, too. Frequently the legislators spoke of rights given to Christians, using that term rather loosely as the equivalent of men generally. In other cases they referred specifically to Protestants, wishing to exclude "Papists." In the latter case Jews often enjoyed rights denied to Catholics, whereas the former terminology often unwittingly established the opposition situation. When, in 1740, the British Parliament came around to enacting a naturalization act for all of Britain's North American colonies, it made specific allowances for Quakers and Jews, the latter being mentioned in two articles as exceptions from the general rule. But these exceptions were intended to safeguard Jewish consciences and to enable Jews to avail themselves of the opportunities of naturalization which granted them burghers' rights in all colonies, without violating their religious principles. This naturalization act merely spelled out and broadened the existing status in most colonies. Not surprisingly, it reacted back on the homeland. In some respects Pelham's "Jew Bill" was merely an extension of that act to the mother country itself. It should be noted, however, that the same Parliament which revoked the "Jew Bill" in England nevertheless rejected the motion to revoke also the Jewish provisions in the naturalization act for the colonies by a surprisingly large majority of 208 to 88.⁶

Relative equality of colonial Jewry was best exemplified in those areas which were the subject of the most protracted struggle for Jewish emancipation in Central Europe. Some countries (for instance, Prussia in 1812) were prepared to grant full Jewish equality and yet long withheld from their Jewish subjects political rights, including that of voting in elections and of holding elective or appointive offices. In Colonial America, Jews participated in these rights without much equivocation. Even in New Amsterdam two newly settled Jews, Asser Levy and Jacob Barsimson, repudiated the suggestion to pay a special tax in lieu of serving in the guard, a practice usually adopted in European countries. They insisted on personally participating in the defense of their

6. J. H. Hollander, "The Naturalization of Jews in the American Colonies under the Act of 1740," *Publications of the American Jewish Historical Society*, V (1897), 103-17; Leon Hühner, "Naturalization of Jews in New York under the Act of 1740," *Publications of the American Jewish Historical Society*, XIII (1905), 1-6. See also Marcus, *Early American Jewry*, II, 514 ff.

city. Subsequently, Jews served in the various local militias, apparently without any discrimination. After the outbreak of the American Revolution, Jews not only furnished a substantial contingent of volunteers to the Revolutionary armies, apparently beyond their ratio in the population, but several of them served as officers. There is no evidence that the Christian soldiers resented serving under Jewish commanders. Similarly, Jews participated in elections. Only once, in 1737, was the issue raised by a defeated candidate in New York, whereupon the New York Assembly declared that Jews, not being allowed to vote in British Parliamentary elections, should not be permitted to do so in the British colonies. This resolution was speedily disregarded, however, and, at least in 1761, several New York Jews are recorded on the poll lists of the assembly elections. Elsewhere Jewish participation did not even cause a ripple. When Francis Salvador arrived in South Carolina in 1773 at the age of twenty-six, he was immediately accepted by his fellow citizens and within a year elected to the Provincial Congress of the colony. Similarly, membership in professional guilds, a long-embattled right of Jews in Continental Europe, was from the outset granted to Jews on a par with non-Jewish artisans. The distinguished Jewish silversmith, Myer Myers, joined the Gold and Silversmiths Guild of New York without any recorded opposition and even twice served as its president.⁷

In contrast thereto, a feudal state like Russia, though likewise making a fresh start in the Jewish question during the eighteenth century, could not follow that egalitarian line toward Jews. True, the regime of Catherine II was often permeated with the principles of enlightened absolutism. Russia had no Jews until 1772, when it received the first 27,000 Jewish subjects as a result of the annexation of Polish provinces during the first partition of Poland. The second and third partitions of 1793 and 1795 immensely increased that number. Her initial approach to the Jewish problem was rather liberal; Catherine even allowed Jews to participate in municipal elections, the only elections open to subjects of that absolutist; she merely limited the number of Jewish municipal elders to one-third of the council. At the same time Russia's old and

7. Barnett A. Elzas, *The Jews of South Carolina* (Philadelphia, 1905), pp. 68 ff.; Charles Reznikoff (with the collaboration of Uriah Z. Engelman), *The Jews of Charleston* (Philadelphia, 1950), pp. 34 ff.; Jeanette W. Rosenbaum, *Myer Myers, Goldsmith, 1723-1795* (Philadelphia, 1954). See also, more generally, Simon Wolf, *The American Jew as Patriot, Soldier and Citizen* (Philadelphia, 1895).

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deep-rooted antagonism to Jewish residents induced the empress in 1791–94 to restrict the area of Jewish settlement to the newly annexed Polish and the so-called neo-Russian southern provinces. The latter were so underpopulated that even Jewish arrivals were considered a desirable accretion to the available manpower. These imperial decrees laid the foundations for the later much-deplored Pale of Jewish Settlement which bottled up the speedily growing Jewish population of the tsarist empire in that restricted area. From the outset Jews were thus treated as a special group endowed with special rights and subjected to special duties, particularly of a fiscal nature—a solution quite appropriate for a feudal country, the majority of whose population still lived in villeinage. Such special status, with some modifications and aggravations, persisted until 1917, when, under the Lwow-Kerensky regime, Russia received her first democratic constitution, which unhesitatingly included the Jews in the new egalitarian society.⁸

In Central Europe the progress of Jewish emancipation was just as halting as that toward democracy. In Germany, Austria-Hungary, and the Italian states inveterate animosities were reinforced by the existence of vested interest and in part also by the presence of large Jewish populations still living their old ghetto existence. Nevertheless, wherever the democratic watchwords of the French Revolution gained ground, as in the Rhenish and Italian provinces occupied by France, Jewish emancipation almost immediately followed. In reaction even Prussia proceeded to emancipate her Jewry in 1812, while Austria, frightened by the revolutionary outburst, at first halted even her own “Josephinist” attempt at incorporating the Jews into her own society. However, no sooner did the democratic forces gain the upper hand, as in the Revolution of 1848 or after the unification of Italy in 1871, when Jewish emancipation became the instantaneous by-product of the new egalitarian structure. Austria-Hungary of 1867 and the new German Empire of 1871 had progressed far enough on the egalitarian road to proclaim Jewish equality as a constitutional principle. Certain disabilities, still imposed on the Jews by administrative rather than legislative processes, were swept away by the truly democratic constitution of the Weimar Republic.

8. Simon M. Dubnow, *History of the Jews in Russia and Poland* (3 vols.; Philadelphia, 1916), esp. I, 306 ff.; O. Margolis, *Geschichte fun Yidn in Rusland*, Vol. I (Moscow, 1930); Louis Greenberg, *The Jews in Russia* (2 vols.; New Haven, Conn., 1944–51); Isaac Levitats, *The Jewish Community in Russia, 1772–1844* (New York, 1943).

The very Hitler regime demonstrated clearly that a separate Jewish status in an otherwise equalitarian state had become untenable. The Nuremberg laws of 1935, which professedly restored many features of the medieval Jewish status, were clearly but a stop-gap measure on the road toward the total elimination of Jews. The Nazi experiment had made it tragically clear that in modern society Jews could either not be tolerated at all or, if tolerated, had to be treated as citizens equal before the law.⁹

“DO UT DES”

Another significant consideration was that Jewish equality of rights was not a bounty bestowed upon the Jews by benevolent governments but rather an exchange of an outworn, no longer tenable status for another which better fit the modern conditions. In fact, Jews had to give up a great deal in return for their full rights of citizenship.

In the din of controversy over the merits of emancipation this fundamental fact has often been overlooked. Opponents of Jewish equality long argued that the Jews were a corrupt nation of intermediaries who would merely abuse the new rights for more effective exploitation of the Christian population. Protagonists of emancipation, even Jewish spokesmen themselves, often agreed with the basic premise of the socially unhealthy character of Jewish middlemen but argued that this corruption had been the result of centuries of oppression and would be instantaneously reversed if Jews were to attain equality and live as upstanding, integrated citizens of Western society. It was natural, therefore, for both parties to depict the pre-emancipatory life of Jewry in darkest colors and to contrast with it the forthcoming era of equality as one of ultimate liberation.

Old Jewish traditions reinforced this conception to accentuate, on the one hand, the past sufferings of the people and, on the other hand, to describe the forthcoming era of emancipation in almost messianic terms.

9. Selma Stern (Täubler), *Der preussische Staat und die Juden*, Part I (2 vols.; Berlin, 1925); *idem*, *The Court Jew* (Philadelphia, 1950); Ismar Freund, *Die Emanzipation der Juden in Preussen* (2 vols.; Berlin, 1912); Alfred Francis Pribram (ed.), *Urkunden und Akten zur Geschichte der Juden in Wien* (2 vols.; Vienna, 1918); my *Die Judenfrage auf dem Wiener Kongress* (Vienna, 1920). See also Adolf Kober, “The French Revolution and the Jews in Germany,” *Jewish Social Studies*, VII (1945), 291–322; and my “The Impact of the Revolution of 1848 on Jewish Emancipation,” *Jewish Social Studies*, XI (1949), 195–248.

From ancient times Jewish intellectual leaders had emphasized the sufferings in Exile as the result of the sins of the people. Until today Orthodox Jews pray on all holidays, "On account of our sins we have been exiled from our country." The Christian world agreed with that analysis, only specifying that the Jewish sin had consisted in its repudiation of Jesus. A remarkable interpretation of the story in Genesis, reaching back to the church teacher of the second century, Tertullian, saw in the "wandering Jew" an embodiment of Cain, the elder brother who had slain Abel, or allegorically Israel who had crucified its younger brother, Christ. In pursuance of that biblical narrative the homiletical interpreters taught that the divine will was to punish Cain by condemning him to perpetual wanderings, though not to extermination. While disagreeing with this interpretation and its underlying assumptions, Jewish leaders nevertheless espoused the doctrine that the Exile had been intended as an expiation for their forefathers' sins. Unconsciously, moreover, Jewish leadership, which, ever since the Maccabean era, had stressed the virtues of religious martyrdom, utilized that doctrine as an eminent means of increased social control over the struggling Jewish minority in the various countries of the dispersion. Out of that intellectual evolution was born in ancient and medieval times that "lachrymose conception of Jewish history," which gained further ground during the struggle for emancipation and dominated the nineteenth-century Jewish historiography. Heinrich Graetz, the most influential Jewish historian of the nineteenth century, frankly taught that Jewish history in the dispersion consisted almost exclusively of the history of sufferings as well as of scholars (*leidens und gelehrten-geschichte*).¹⁰

What are the objective facts? Even from the legal point of view, and this is but a part of the story, the Jewish status in the medieval and early modern periods was anything but one of permanent inferiority. Jews did not enjoy equality of rights, of course. But no one did. In the complicated corporate structure of Western society nobility and clergy were the two privileged groups whose rights vastly exceeded those of the rest of the population, while their duties were less burdensome. But these privileged estates were but a tiny minority of each population. Under them lived the vast "third estate" with a variety of special

10. Tertullian *Apologeticus adversus gentes* xxi, in Migne's *Patrologia Latina*, II, 637; and *Adversus Judaeos* ii, *ibid.*, I, 451; Heinrich Graetz, *Geschichte der Juden*, Preface to Vol. V.

privileges for individual groups. Frequently the privileges given to one city differed from those enjoyed by another city in the same realm. Within each city specific statutes regulated the life of the various merchant and artisan guilds, often at great variance from one another. Generally under the medieval patricians there was a vast class of an urban proletariat which enjoyed but few rights and lived a hard and toilsome life. Below all these classes, however, there was the vast mass of peasantry, at times amounting to as much as 90 per cent of the entire population, the majority of which consisted of villeins owned as private property by their landlords.

Within this complex structure, the legal status of the Jewish community was rather favorable. While clearly less privileged than the first two estates, it enjoyed far greater rights and was subject to far lesser duties than the masses of villeins. On the whole, its status was comparable to that of the city burghers. Exceptionally, it was treated even better, as in sixteenth-century Lithuania, where a governmental statute provided that, upon his conversion to Christianity, a Jew would immediately be raised to the ranks of nobility. In most other cases Jews were placed a notch below their Christian fellow urbanites, especially in those western cities which, in a centuries-long struggle for independence, attained a large measure of sovereign powers. To some extent, the Jews' legal disabilities may be traced to the success of competing Christian burghers in reducing their business advantages and social standing. In other cases, emperors and kings extended to their Jewish protégés more effective protection and sometimes granted them a legal status wholly comparable to that of their other urban subjects.¹¹

This is not to deny the fact of the Jews' sufferings or even of their social inferiority from the standpoint of contemporary Christian psychology. Jews constituted a permanently "alien" corporation, whose very right of sojourn in each country was subject to revocation. This alien character remained unaffected by the length of their residence in a country, which often extended over many centuries and sometimes even antedated that of the Christian majority. Nor can one deny the frequent anti-Jewish riots and even pogroms and massacres of Jews which contributed to their basic sense of insecurity in Christian countries. True,

11. See my "Ghetto and Emancipation," *Menorah Journal*, XIV (1928), 515–26, and "The Jewish Factor in Medieval Civilization," *Proceedings of the American Academy for Jewish Research*, XII (1942), 1–48.

these massacres were neither so widespread nor so constantly recurrent as they appear when telescoped in the records, which are likely to mention dramatic events much more readily than ordinary daily happenings in a generally quiescent life. Massacres in one area did not necessarily affect the Jews of another region, although the memory of past persecutions retained its vividness through constant reiteration in literature and liturgy. Moreover, the early modern period immediately preceding the emancipation era witnessed but few large-scale massacres. Not only in the Muslim world, especially in the Ottoman Empire, but even under Christendom from the sixteenth to the eighteenth centuries there was only one really large-scale sanguinary persecution of Jews, that which accompanied the Cossack uprisings under Chmielnicki in 1648–49. The picture of the medieval and early modern Jew living in constant dread of attack, and obsessed with fear for his life and possessions, has been decidedly exaggerated.

Furthermore, Jews were not alone in their feeling of insecurity. Life counted for very little in medieval and Renaissance Europe, despite the numerous “peace” proclamations of medieval lords. Wars, both foreign and civil, highway robbery, assassinations at royal courts, and widespread criminality made the existence of every person, of both higher and lower ranks, quite precarious. No one can estimate the relative degrees of human happiness among various classes of persons. Perhaps the Andersen tale about the king who long looked in vain for a truly happy individual and finally found him in the shape of a poor shirtless peasant has some psychological merit. Yet, if measured by any such objective standards as the availability of food, shelter, clothing, as well as access to educational and cultural amenities, there is no question that the average medieval and early modern Jew was better off in all these respects than his average Christian contemporary. In short, before the emancipation era, one could contend, the Jews belonged to the privileged minority of every country in both legal theory and actual practice.¹²

12. For this reason, it appears, the frequent designation of the Jewish status during the Middle Ages as that of “pariahs” has little justification. The only superficial similarity, namely, that both the medieval Jews and the Indian pariahs lived outside their respective societies, must not let us lose sight of the basic distinction between a corporate group of “aliens” who considered themselves living under a divinely inflicted temporary punishment without any infringement on their permanent selection as God’s “Chosen people,” and a group of genuine “untouchables” who acknowledged their intrinsic inferiority. After

Above all, under the older corporate system Jews enjoyed a great measure of self-determination. Even more than other corporate groups, their community enjoyed full self-government not only in religious matters—and religion embraced a much wider area of life than it does today—but also in education, the judiciary, and fiscal affairs. The life of the average Jew was far more deeply affected by Jewish law in all its ramifications and by his own communal administration than by what happened outside his ghetto walls. If opponents of Jewish equality argued that Jews had always been a “state within the state” and that they would remain so under emancipatory conditions as well, they were wrong only in their forecasts for the future. As a result of the emancipatory integration of Jews into Western society, Jews indeed had to give up much of their autonomy and to participate actively in most areas of public life.

Understandably, therefore, the statesmen offering Jews complete equality could not take for granted their unequivocal acceptance of the new duties. The great international Congress of Vienna of 1814–15, convoked to settle the difficult international problems left behind by the Napoleonic Wars, debated at some length the Jewish question and finally incorporated into its newly adopted Confederate Act of the Germanic Confederation a special article (XVI) safeguarding Jewish rights. It provided: “The confederate Diet will take under advisement . . . as to how the enjoyment of citizen rights could be granted to the adherents of the Jewish faiths in the Confederate States in return for their assumption of all the duties of citizens.” Such a condition must have appeared totally redundant to later champions of emancipation. But in its early stages no one could be certain that the majority of Jews would be willing to trade their accustomed legal status and way of life for the new equality. As a matter of fact there was considerable Jewish opposition to the emancipatory legislation when it was first enacted in the so-called

all, a Jew needed but approach the baptismal font in order to shed instantaneously his “alien” character and to become a full-fledged member of Christian society, whereas a Pariah could never get out of his caste. See the additional remarks against Max Weber’s pertinent thesis in my *Social and Religious History of the Jews* (2d ed.), I, 297, n. 7, which remain unimpaired by the defense of Weber’s point of view offered by Hans H. Gerth and Don Martindale, the translators of Weber’s *Ancient Judaism* (Glencoe, 1952), pp. xxiv–xxv.

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Batavian Republic (Holland) in 1796, Baden in 1846, and Galicia in 1867.¹³

Not that these Jewish groups rejected emancipation *in toto*. A certain measure of equality had become no less a historic necessity for the Jewish people than it was for the modern state. The mere pressure of the growing Jewish population, which was increasing at an even more rapid pace than Europe as a whole, enforced the opening of new avenues for Jewish economic endeavor. Apart from migrating into new lands, Jews could enlarge their economic basis only as a result of the extension of their rights to earn a living in occupations theretofore closed to them by law. Ability to acquire land, both urban and rural, admission to artisan guilds and the ever growing professions, and new facilities for education and occupational retraining became indispensable prerequisites for the sheer economic survival of the impoverished Jewish masses. Before long there indeed emerged in Germany, that chief laboratory of the Jewish question throughout the nineteenth century, the distinction between the so-called *privatbürgerliche Gleichberechtigung*, that is, equality in civil and economic rights, and the *bürgerliche Gleichberechtigung*, which included also equality in political rights. The majority of Jews, still belonging to the Orthodox groups, cared very little for political franchise and public office. In many countries dominated by absolutist powers the right of franchise bestowed few practical benefits, while appointment of Jews to public office depended on the good will of largely unfriendly public administrators. On the other hand, equality in political duties involved extended military service which, apart from its wartime dangers to the combatants, presupposed the violation of Sabbath laws and ritual food requirements by the Jewish servicemen. The extreme example set by the Russian *Rekrutina* of 1827–55, which consisted in the forcible incorporation of

13. J. L. Klüber, *Akten des Wiener Kongresses 1814 und 15* (8 vols.; Erlangen, 1815–19), esp. II 456 ff., 590 ff.; Hirsch Ilfeld, *Dibre Negidim* (“Words of Dignitaries,” a contemporary Hebrew collection of Batavian addresses (Amsterdam, 1799); J. S. da Silva Rosa, *Bibliographie der Literatur über die Emanzipation der Juden in Holland* (Frankfort, 1912) (reprinted from the *Zeitschrift für hebräische Bibliographie*, Vol. XV); Selma Stern-Täubler, “Die Emanzipation der Juden in Baden,” *Gedenkbuch zum hundertfünfundsanzwanzigjährigen Bestehen des Oberrats der Israeliten Badens* (Frankfort, 1934), pp. 7–104; Philip Friedmann, *Die galizischen Juden im Kampfe um ihre Gleichberechtigung (1848–1868)* (Frankfort, 1929). On the much-debated change in the ultimate formulation in the text of Art. 16 of the Germanic Confederate Act see my *Die Judenfrage auf dem Wiener Kongress*, pp. 155 ff.

thousands of Jewish children into the Russian army for many years, even decades, of service, certainly served as a deterrent. Even the most patriotic Jews had to admit that prolonged military service led to the estrangement of many Jewish youths from their families and their communities, quite a few actually turning Christian. Most significantly, sharing in the public life of the country presupposed the abandonment of much of the cherished traditional autonomy and a greater or lesser measure of assimilation to the cultures of the environment.¹⁴

As Jewish emancipation progressed from western to eastern Europe, these negative facets of equality made themselves ever more strongly felt. Before the end of the nineteenth century the number of articulate critics of the emancipation steadily increased even within the progressive Jewish circles. With the rise of modern Jewish nationalism, particularly, many spokesmen echoed Ahad Haam's denunciation of the new abject "slavery freedom," that is, the surrender of traditional Jewish cultural values by the Western Jewries as a price for their newly won liberties. As a result, novel attempts were made to supplement the system of equality with special safeguards for Jewish cultural self-determination, giving rise to demands of national Jewish minority rights.¹⁵

NATIONALISM

The stirring national movements since the French Revolution exerted considerable influence on the progress of Jewish emancipation. It was more than a chronological coincidence that the democratic state arose simultaneously with the rise of modern nationalism. The latter greatly helped in leveling down the corporate differences and establishing the new unitarian, national society on the debris of the old "estates." Modern nationalism also demanded the incorporation of the Jewish minority into the national majorities and hence postulated its basic equality and full participation in the public and cultural life of these majorities. Assimilation in return for emancipation, though not spelled out in contractual terms as some anti-Semites later claimed, was the

14. Saul Ginsburg, "The Origin of the Jewish *Rekrutchina*" (Yiddish), *Zeitshrift*, II-III (Minsk, 1928), 89-106, partly reprinted in his *Historische Werck* ("Historical Works") (3 vols.; New York, 1937), II, 3 ff.; *idem*, "Jewish Cantonists" (Yiddish), *ibid.*, III, 3-135.

15. Ahad Haam (Asher Ginzberg), "Slavery in Freedom," in his *Selected Essays*, English trans. Sir Leon Simon (Philadelphia, 1912), pp. 171-94. On the rise of Jewish nationalism and the demands for Jewish minority rights see below, n. 20.

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underlying assumption in much of the pro-emancipatory debates and legislation.

Even before the emancipation era the then unconscious or semiconscious nationalism of many European peoples had had an enormous influence on the destinies of Jews. Long ago I had come to the conclusion that the medieval and early modern national state, that is, the state in which the political and ethnic-cultural boundaries coincided, was the most vigorously anti-Jewish political structure. Inheriting from monotheistic Christianity the abhorrence of serving foreign gods, medieval nationalism became quite exclusive. Since national amalgamation at that time was possible only when combined with religious conversion, such newly arisen national states usually demanded the elimination of Jews either through the process of forcible conversion and ensuing assimilation or through a formal decree of expulsion. The frequency of these developments was so great and uniform that they almost seemed to operate along the lines of a "historical law," practically with no exceptions.¹⁶

Modern nationalism was no less intolerant. Interveningly, however, there had occurred the great conflicts of the Reformation and Counter Reformation and the ensuing sanguinary Wars of Religion which had ended in the deadlock of the Thirty Years' War. As a result, the new principle of liberty of conscience, proclaimed in the peace treaties of Westphalia of 1648, started relegating religious beliefs into the domain of private convictions which were to be of little concern to the state. The Jewish religion, too, could now be viewed as merely a "private affair of the individual." The new nationalism could, therefore, demand from the Jews total incorporation into the national body politic without surrender of their religious beliefs. Full national assimilation, with each group retaining the right to worship God in its own way, now became the universally accepted counterpart to Jewish equality. Already during the lengthy debates of the French National Assembly this new attitude came clearly to the fore. In his oft-quoted exclamation, Count Clermont-Tonnere, the leading Girondist protagonist of Jewish equality, made it perfectly clear that the new emancipatory laws would grant "to

16. See my "Nationalism and Intolerance," *Menorah Journal*, XVI (1929), 405-15; XVII (1929), 148-58. This subject requires fuller elaboration which the present writer hopes to submit before very long in the broader context of later medieval and early modern history.

Jewish individuals all rights, to the Jewish nation none." Even more telling was the concluding phrase of that statement: "If they do not wish to accept that, let them say so and then let them be banished." These words suggested the same old medieval solution of expulsion from the country of Jews recalcitrant to give up their identity, except that now they were to be allowed to continue cultivating their own religion.¹⁷

Even that freedom was not to be unlimited, however. Not only during the immediately following period of the French Terror and the established religion of reason, when religious Jews suffered greatly alongside their Catholic compatriots, but also in the subsequent Napoleonic age, the state began encroaching seriously upon the religious autonomy of the Jewish minority. In the consistorial system established by Napoleon in 1808, the French rabbinate and other organs of the community were turned into outright state agencies, aiming at the indoctrination of Jews in French patriotism. In different ways the other emancipatory countries proved no less exacting. Some, like the United States, proclaimed total separation of state and church and thereby set the Jewish community adrift and exposed to the uncontrolled play of conflicting interests and ideologies. Even where, as in Central Europe, the old community was allowed to persist under varying guises, it became but a shadow of its former self.¹⁸

Nationalism frequently went hand in hand with the newly arisen post-emancipatory forms of anti-Semitism. Partly disappointed with the slow process of total Jewish assimilation and partly resentful of the economic advances made by Jews under the system of equality, the new Jew-baiters began proclaiming the ultimate unassimilability of Jews as a ground for the revocation of their admission to the enjoyment of equal rights. Before long this unassimilability began to be explained in racial terms. In the light of the newly developing doctrines of racial divergences formulated by Count Gobineau and others, the German anti-Semites of the 1870's began preaching the permanent inferiority of the Semitic racial group. Ultimately reversing the old nationalist postu-

17. Clermont-Tonnere's address at the National Assembly of December 23, 1789, reprinted in *Revue des grandes journées parlementaires*, ed. Gaston Lèbre and G. Labouchère, I (1897), 10.

18. See, especially, Robert Anchel, *Napoléon et les Juifs* (Paris, 1928); and, more generally, my *Modern Nationalism and Religion* (New York, 1947), *passim*.

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late of total Jewish incorporation into the Western nations, many anti-Semites began clamoring for the complete exclusion of Jews from the national body politic. Unhesitatingly, they accused Jews of dominating the cultural life of their nation and otherwise corrupting its strongest ingredient: racial purity. At the climactic point of that ideology, in German National Socialism, in which nation and race were elevated to almost godlike entities, the extermination of millions of Jews appeared as the only means of achieving the "final solution" of the Jewish question.¹⁹

Nationalism thus became an equivocal force in its relation to Jewish emancipation. In its moderate forms it favored Jewish equality as a means of speedy absorption of a segment long recognized as alien by the national majority. In its extreme forms, on the other hand, it sought to achieve the elimination of that segment by formal exclusion, or even by the barbaric methods of extermination. At the same time, however, it stimulated within the Jewish community a new Jewish national consciousness. Modern Jewish nationalism strongly counteracted those very forces of national integration which had theretofore been so closely intertwined with emancipation. Its spokesmen, especially in the multinational empires of Austria-Hungary and tsarist Russia, became vigorous exponents of various compromise formulas designed to combine the basic equality of all citizens with effective safeguards for their national minority rights. Partly under Jewish influence, such rights were formally pledged in the peace treaties of 1918–19 as well as in the voluntary legislation of the Soviet Union in November, 1937. Nonetheless, they proved to be very short lived. Among all the nations which in Versailles, St. Germain, Trianon, or Lausanne had signed on the dotted line that they would respect the national-cultural self-determination of their respective minorities including Jews, only Czechoslovakia and Esthonia tried to live up to these responsibilities. And yet it was Czechoslovakia which learned to her chagrin how destructive her large German minority could become in the critical period of 1938–39. The same Eduard Beneš, who, for forty years, had been an outstanding champion of na-

19. See, for instance, the data adduced by Cecil Roth in his answer to the query, "Are the Jews Unassimilable?" *Jewish Social Studies*, III (1941), 3–14. Of the host of writings on the Nazi and other forms of anti-Semitism see Gerald Reitlinger, *The Final Solution* (New York, 1953), and other literature cited in my article, "Anti-Semitism," which is to appear in the next revised edition of the *Encyclopaedia Britannica*.

tional minority rights, completely reversed himself as a result of these tragic experiences. Upon his return from exile in 1945 he made it clear to his Jewish fellow citizens that thenceforth they could not expect to continue living as a national minority. They were given the choice of either emigrating to Palestine or else assimilating themselves to the Czech majority.²⁰

NON-LEGAL APPROACH

Another fundamental shortcoming of the existing treatments of Jewish emancipation consists in their almost wholly legalistic approach. The progress toward equality is discussed almost entirely in terms of legal enactments, particularly of the sweeping egalitarian provision included in one or another constitution. This is the less surprising, as most Jewish historians have been recruited from Continental countries where the general development of legal institutions has usually been reflected in clearly articulated constitutional changes.

It has long become clear, however, even to Continental students, that law often merely sanctioned existing social realities. This relationship has been most pronounced in the history of England, with her largely unwritten constitution and her emphasis on judicial decisions easily adjustable to changes in the social fabric. This legal elasticity was reflected also, as we recall, in the long unwritten status of basic Jewish equality, minus certain disabilities, both imposed by life rather than by the conscious will of legislators. The North American British colonies and subsequently the United States of America likewise showed clearly the changes wrought in Jewish life by general social developments, whether or not articulated in laws.

Not that law is an altogether insignificant historical factor. Once enacted, constitutional provisions become an independent force and help shape the underlying social realities. But, unless they correspond to these realities, they can often be readily evaded. In our generation, particularly, which has witnessed so many international treaties and constitutional safeguards discarded as mere pieces of paper, one need not further argue about the primacy of the broad social trends. In regard to

20. See Simon Dubnow, *Nationalism and History: Essays on Old and New Judaism*, ed., with an Introductory Essay, Koppel S. Pinson (Philadelphia, 1958); Oscar I. Janowsky, *The Jews and Minority Rights, 1898-1919* (New York, 1933); Jacob Robinson *et al.*, *Were the Minorities Treaties a Failure?* (New York, 1943).

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Jewish emancipation, too, one need merely reflect on the difference in the position of Jews and that of their fellow citizens of the Negro race in the United States, the same basic provisions of equality notwithstanding. The numerous legal loopholes which have enabled southern state and city legislators to discriminate sharply against Negroes would have made possible much anti-Jewish legislation as well, if life's realities had really demanded it. Nor have the recent endeavors of the federal judiciary to close these loopholes and to establish more far-reaching equality for Negroes offered any significant new safeguards for the future of American Jewry. If for some reason—fortunately, at this stage of history quite improbable—the United States were to turn into a Fascist country, all such legal provisions would be swept away in the revolutionary wave. Had not Germany's Weimar Constitution included apparently iron-clad guaranties for the equality of all citizens? And yet, when the time was ripe, the Nazi revolution overturned the entire structure as if it were a mere house of cards.²¹

Elsewhere, too, administrative measures frequently nullified the constitutional equality of Jews. Theoretically, interwar Poland and Rumania granted their Jewish citizens full equality of rights in their domestic constitutions as well as by virtue of their international obligations. And yet the administrations of both countries effectively sabotaged that equality. Similarly, Vichy France had no difficulty in jeopardizing the very survival of its Jewry, without altering her basic constitutional provisions. More recently, we have witnessed such undermining of Jewish existence in several states, notwithstanding their formal adherence to the principles of full equality of all citizens. In short, in order fully to understand the historic progression of Jewish equality, one must examine as carefully as possible those underlying factors, economic, social, and cultural, which in the ultimate sense have determined the course of history.²²

One need not be a historical materialist in order to admit that the rise of modern capitalism and the Jewish participation therein have paved

21. See my additional remarks on "The Emancipation Movement and American Jewry" (Hebrew), *Eretz-Israel*, IV (1956, Ben-Zvi Jubilee Volume), 205-14.

22. See, for instance, Leon Poliakov (Poliakov), "An Opinion Poll on Anti-Jewish Measures in Vichy France," *Jewish Social Studies* XI (1949), 135-50; *idem*, *Harvest of Hate* (Syracuse, N.Y., 1954); Solomon Schwarz, *The Jews in the Soviet Union* (Syracuse, N.Y., 1951); Peter Meyer *et al.*, *The Jews in the Soviet Satellites* (Syracuse, N.Y., 1953).

the way toward the incorporation of Jews into Western societies. Not only has capitalism helped destroy the corporate barriers but it has also as a matter of principle shifted the emphasis from human groupings to individuals. Private enterprise, individual initiative, and freedom of competition now become the watchwords of the age. Jews, too, were able to participate in the new capitalist endeavors as individual entrepreneurs or workers rather than as members of their particular group. They were, in fact, in a position to contribute even more than their proportionate share to the formation of the new economic methods and institutions. True, notwithstanding half a century of debate on the Jewish share in the rise of the modern capitalism, the necessary detailed facts have not yet been fully marshaled. Nevertheless it appears that precisely those factors which had operated against the Jews during the medieval period now placed them in a strategic position to pioneer in the great economic transformation. Because they had largely been eliminated from the soil and had to concentrate on business, particularly moneylending, at that time a despised occupation, the Jews accumulated many valuable experiences, made considerable legal adjustments, and had at their disposal much freely available capital. They were thus able to contribute significantly to the new economy, in which money and credit began playing a decisive role. Similarly, the numerous expulsions of Jews and their ensuing migrations had sharpened their abilities to adjust themselves quickly to new conditions. Their far-flung dispersion likewise enabled them to enter more freely into the growing domain of international trade.²³

It is small wonder, therefore, that Jews fully availed themselves of the existing opportunities and often scaled the existing legal barriers. The Jewish community of Vienna in the early nineteenth century offers a telling illustration of the contrast between law and economic life. A tiny community which was not even allowed to build a synagogue until 1821, it embraced a considerable number of bankers and big businessmen. Several of its members were raised to nobility by the emperor, who thus expressed his appreciation of the contributions to the imperial

23. One need but refer here to the extensive debates initiated by Werner Sombart's *Die Juden und das Wirtschaftsleben* (Leipzig, 1911), which were partly reviewed, under Sombart's own supervision, by his pupil, A. Philips, in a dissertation under the same title (Berlin, 1929). See also Herbert I. Bloom, *The Economic Activities of the Jews of Amsterdam in the Seventeenth and Eighteenth Centuries*, and my remarks on "Modern Capitalism and Jewish Fate" *Menorah Journal*, XXX (1942), 116–38.

treasury and army made by these and other “court Jews.” It must have appeared ironical to many contemporaries to see, on the one hand, Baron and Baroness von Arnstein entertain daily the leading European statesmen, including the Papal Secretary of State attending the international Congress of Vienna in 1814–15, and, on the other hand, to watch the same aristocrats proceeding to local police headquarters to renew annually their precarious permits to reside in the capital. Arnstein’s brother-in-law, Bernhard Ritter von Eskeles, son of a chief rabbi, gave just as little heed to the temporary nature of his sojourn in Vienna when he helped establish Austria’s National Bank in 1816 and officially served as its vice-governor. Sooner or later such economic and social relationships had to be translated into legal equality as well, despite the persistence of age-old animosities and the obstruction by vested interests.²⁴

No less significant was the cultural rapprochement. Just as European Enlightenment helped usher in the modern doctrines of the sovereignty of the people and thus pave the way for the modern democratic state, so was Jewish Enlightenment, the so-called *Haskalah*, serving as the harbinger of the new era of the cultural integration of the Jews into Western societies. Here, too, the historic treatment of Jewish Enlightenment ought to undergo a thorough revision. In the first place, one must discard the prevailing view of starting the history of that Enlightenment with the Mendelssohn era of the mid-eighteenth century, the so-called Berlin *Haskalah*. Long before Mendelssohn, Jews had maintained active cultural interchanges with their non-Jewish neighbors in Italy and Holland. In fact, even the Italian *Haskalah* had many antecedents in Spanish Jewish cultural life, which had, in turn, reflected the close cultural co-operation between Jews and Muslims during the eastern renaissance of Islam of the ninth and tenth centuries and in the subsequent Golden Age of Spanish Jewry. One is certainly entitled to speak of an Italian and Dutch *Haskalah* long before that propagated by the Berlin and Königsberg circles in the latter part of the eighteenth century. When a Jewish philosopher of the fifteenth century, Elijah Delmedigo, used ecclesiastical Latin and Scholastic terminology to espouse his philosophic doctrines, when a Leone Ebreo influenced through his *Dialogues of Love* most of his philosophic successors down to Spinoza, when another loyal Jew living in sixteenth-century Mantua, Leone da Sommi, wrote in Italian a treatise on theatrical arts which be-

24. See my *Judenfrage auf dem Wiener Kongress*, esp. pp. 117 ff.

came a classic of its genre, the cultural interchange between Christians and Jews had become very close, indeed. In fact, the Italian language penetrated the very precincts of synagogue and Jewish law. Leading Jewish preachers delivered their sermons in Italian, just as leading jurists wrote their legal replies in that language, even when these were addressed to fellow rabbis well familiar with Hebrew and the Hebrew-Aramaic blend of the Talmud. Other communal leaders used Italian in writing their minute books and other official documents. In Holland, on the other hand, where the Spanish language brought by the exiles from the Iberian Peninsula long retained its hold on the Sephardic Jewish communities, the appearance of such Western thinkers as Spinoza or Uriel da Costa testified to the full entry of the Jews into the cultural life of their environment. The legal recognition of these facts could not long remain behind.

Within the Jewish community itself, the bridges built by capitalism and Enlightenment opened new vistas of a richer and more abundant life to both the Jewish leaders and the masses. They gradually undermined whatever resistance the traditional forces in the Jewish community had evinced toward political emancipation. Especially in western Europe, where the Jewish population was small and where capitalism and Enlightenment celebrated their greatest victories, such resistance was quickly crumbling at the approach of the revolutionary era. There, and to a lesser extent in central and eastern Europe, moreover, the powerful social controls previously exercised by Jewish communal leadership had been greatly weakened. The growing displacement of learning by wealth as the controlling factor within the community, and the ensuing rise of a communal plutocracy whose political contacts with the state powers often determined the fate of the entire Jewish population, undermined the ancient democratic foundations and injected an element of class struggle into the community life itself. The growing hunger of state treasuries, resulting from constant wars and the expansive ambitions of monarchs, led to the ever sharper exploitation of the communities' fiscal resources and plunged many of them into near-bankruptcy. Even in relatively prosperous Poland, most communities had to contract debts with aristocrats and churches which, because of the relatively high rate of interest, spiraled from generation to generation. When emancipation came, the problem of liquidating the debts of the disintegrating communities loomed as a very serious obstacle. At

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the same time, however, these fiscal shortcomings further helped to erode both the leaders' control and the solidarity of members.²⁵

New spiritual forces operated in the same direction. Neglect of the traditional law and ritual, now often resented as obstacles in the new economic pursuits, paved the way to a reformulation of the Jewish religion along more restricted lines, similar to that attained by Christianity after the deadlock of the Wars of Religion. Incipient signs of religious reform were noticed already in the eighteenth century; it was to flower in a full-fledged Reform movement a century later. More, even within the Orthodox fold itself, new movements operating under the traditional guise helped open the gates to the influx of new ideas from the outside world. The vicissitudes and disappointments following the rise of the "false Messiah," Shabbetai Zevi, which for generations thereafter divided the communities between overt and clandestine Shabbetians and anti-Shabbetians, as well as the Frankist movement in Poland, have long been recognized as spearheads in the deep internal transformation of Jewry. Certainly, the fact that both Shabbetai Zevi and Jacob Frank had converted themselves to Islam and Christianity, respectively, could not be lost on their adherents and opponents alike.²⁶

In short, only a consideration of the totality of forces operating in the Western world, as well as within the Jewish community, can furnish a real understanding of the factors which shaped the halting historic progression toward Jewish equality of rights.

INTERDEPENDENCE OF WORLD JEWRY

In evaluating the progress of emancipation, one must also bear in mind the vast extent of the Jewish dispersion and, at the same time, the constant exchange between, and the close community of destiny which had a direct and indirect bearing on the position of Jews in all other lands. With constant migrations from one Jewish settlement to another, the arrival of large numbers of non-emancipated Jews usually retarded

25. See the literature listed in my *The Jewish Community: Its History and Structure to the American Revolution* (3 vols., Philadelphia, 1942), III, 190 ff.

26. The relations of the Shabbetian and Frankist movements to the progress of Jewish emancipation have been emphasized particularly by Gershom Scholem in several publications. Cf. especially his most recent penetrating Hebrew study of *Shabbetai Zvi* ("S. Z. and the Shabbetian Movement in His Lifetime") (2 vols.; Tel-Aviv, 1957), and the literature listed there (II, 829 ff.).

the progress of integration of many Jewish communities whose legal equality had been deeply rooted for generations. This interdependence of fate was dramatically demonstrated at the beginning of the Nazi era, when the Jews of France or of the United States, despite their nearly a century and a half of emancipated life, felt immediately threatened.

One need but recall the world conditions of a half-century ago—and half a century is a relatively short period of history. In 1909 nearly half of world Jewry lived in tsarist Russia, where the Pale of Jewish Settlement, expulsions of Jews from rural districts, the *numerus clausus* at universities, and other forms of sharp discrimination were designed to force masses of Jews to emigrate or else to abandon their ancestral faith. Various forms of discrimination prevailed also in Rumania and most Islamic countries. The Young Turk Revolution of 1908 was just beginning to make inroads into the separation of the religious groups under which, according to the traditional Islamic Law, Jews and Christians had lived for centuries in a state of growing fiscal exploitation, bureaucratic oppression, and social opprobrium. Between them these countries of non-emancipation harbored nearly two-thirds of the world Jewish population. Even the one-third living at that time in the free Western countries included large masses of more recent immigrants born and bred under conditions of non-emancipation. Perhaps the majority of New York, London, or Paris Jewish residents of 1909 had come from Russia, Rumania, and other ghetto communities. The mere fact that they lived under a system of equality did not immediately change their traditional outlook and moral.

In short, the Jewish question had many basically international features. The progress of emancipation, on the other hand, had essentially been reflected in national legislations. Despite certain limited attempts to deal with the Jewish status at the international congresses of Vienna, Aix-la-Chapelle, or Berlin, and even the larger effort made by the peace conferences of 1919 and 1946, the main adjustments of Jewish status were left to domestic legislations. It is small wonder, then, that such attempts at dealing with a basically international problem on purely national levels has proved inadequate. Only the more recent attempts of the United Nations to promote world-wide covenants on human rights and the outlawry of genocide and the related international cultural steps taken by UNESCO and other bodies might, if translated into full-fledged realities, lend new meaning to the genuine equality of all citizens, including Jews, all over the world.