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Erich Fromm
The Jewish Law

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The Jewish Law

A Contribution to the Sociology of the Jewish Diaspora

Dissertation (1922)

Edited and with an Afterword by Rainer Funk
Translated from the German by Miranda Siegel

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I.

The Importance of the Law in Judaism

**1. The epistemological interest
and the object of knowledge of the present work**

Since the destruction of the Second Temple,¹ the Jewish people have been expanding into the world of the Near Eastern–European peoples as a mysterious and incomprehensible fact of historical life. Mysterious and incomprehensible because there seems to be no possibility of finding parallels to it or of classifying it among known historical references. The horror felt by simple prescientific man at the sight of the Jews found its shocking expression in the figure of Ahasver, the Wandering Jew. The impossibility of understanding this seemingly arcane figure was and still is reflected today in the fact that even the

1 *Translator's Note:* With a few exceptions, English-language Bible quotations are taken from the 1917 edition of the Hebrew Bible (Tanakh): *The Holy Scriptures According to the Masoretic Text: A New Translation*.

Wherever possible, authoritative English translations of texts by Martin Buber, Moses Mendelssohn, Max Weber, and others were drawn from or consulted when translating Fromm's many quotations from these authors' works. – With regard to citations from the Rabbinic literature, Fromm had many options: he read German and English texts, but he also had access to Hebrew and Aramaic sources. In many cases, it is difficult to trace whether he consulted published translations into German of various non-German sources, or whether he relied upon his own translations. Where Fromm's sources are uncertain, his German wording has provided the sole basis of translation. – All other translations of cited material are my own unless otherwise stated.

All additions made to the text by Rainer Funk or Bernd Sahler for the 1989 German publication, or by me for this English edition, are noted in [brackets].

Fromm often contrasts the terms *Wissen* and *Erkenntnis* in his dissertation. Though both translate to «knowledge» in English, their meanings are quite different. *Wissen* refers to a hard knowledge, acquired through learning or study, whereas *Erkenntnis* is more about realizing, understanding, and knowing—in the case of knowing God, for example. In some instances, the original German terms have been left in brackets adjacent to the English translation.

Lastly, Fromm often switches between past and present tense in the original German text. For ease of reading, the past tense has been used in most cases in the English translation.

«scientific» concern with Judaism is seldom removed from political interests, whether those involved are attacking or defending it.

The particularity [Eigenart]² of Diaspora Judaism can be characterized in roughly the following way: despite the loss of state, territory, and a profane language, Judaism has survived as a unified and continuous group bound by kinship and fate that has concentrated its strength primarily on saturating the social body [Gesellschaftskörper] with the religious idea immanent to it. Adherence to the ancestral religion took place without leading to the formation of a church. Judaism was able to live on among other peoples, within and yet outside of their world. «I will buy with you, sell with you, talk with you, walk with you, and so following; but I will not eat with you, drink with you, nor pray with you.» (Shakespeare, *The Merchant of Venice*, 1.3.28–30.)

Expressed in the terminology of Alfred Weber (1921), this means that Diaspora Judaism as such, although always embedded in the civilizing process [Zivilisationsprozess] of the host nations [Wirtsvölker], has developed in its social and cultural cosmos a life of its own as well as its own laws, which ensured its continued existence as a unified historical body.

The present study will first analyze the relationship of the «social body» [Gesellschaftskörper] to the «soul» [Seele] of the Jewish «historical body» [Geschichtskörper] in order to show the extraordinarily high degree of this saturation. In the process, we will touch on the Jewish Law as an expression of this sociological structure of the historical body and analyze it both in terms of its religious foundations and its function within the correlation between people and religious idea.

The fate met by the Jewish social body in its collision with foreign historical bodies becomes clear in the fate of the Law, which will be examined more closely in light of three particularly characteristic aspects of Jewish history: Karaism, Reform Judaism, and Hasidism.

Karaism, a sectarian movement that emerged in the 8th century on Babylonian soil, developed—as will be shown—from the impact of economic realities on the structure of Jewish society and on the changes it brought about. Although the Jewish social body as a whole remained intact, a sect arose that, however, still differs little from Judaism sociologically.

The situation was quite different with the Reform Judaism of the Western European Jews in the 18th and 19th centuries. Here, two historical bodies collide: the Jewish and the bourgeois-capitalist European. In this case, Alfred Weber's thesis that cultural movement [Kulturbewegung] is unique and

2 [According to David Groiser (2005, p. 134), Fromm borrowed the term «Eigenart» from Hermann Cohen, the neo-Kantian Jewish philosopher.]

self-contained so as to exclude any compromise is proven true. We will see how the collision ends with the triumph of bourgeois-capitalist culture, and that with the triumph of the foreign culture, the social body is also decisively changed. Finally, we must examine the way in which this change takes place and finds its expression in the reform of the Law.

In the case of Hasidism, it will be shown that, as a matter of fact, the Jewish historical body preserved its independent existence to such an extent that in the 18th century, within a completely foreign social body from which it had adopted only the features of civilization, it was able to produce a social and cultural movement that sprang entirely from the cultural and social cosmos of Judaism.

The present study is a first attempt to understand Diaspora Judaism as an object of knowledge of a sociology of culture, and to examine it sociologically. Of the works available to date—apart from a wealth of journalistic-political efforts—it is sufficient to mention the following characteristic ones: a sociological study by Max Weber (1921) that is devoted to ancient Judaism rather than Diaspora Judaism, although in some respects it points to the critical approaches applied in the present work. While Werner Sombart's *The Jews and Modern Capitalism [Die Juden und das Wirtschaftsleben]* (1911), attempts to make sense of Diaspora Judaism sociologically, the author does such inadequate justice to Judaism as a religious and social phenomenon that its contribution to this aspect of the issue is simply insufficient.

A pre-sociological attempt can be found in some of the writings of Martin Buber (Buber et al. 1916); these writings, however, suffer from the fact that Buber does not make Judaism itself the object of knowledge, but rather only those special phenomena within Judaism that he himself values. Hermann Cohen makes Judaism as a whole, in its national and religious particularity and totality, the object not of a sociological but rather of his own philosophical knowledge [Erkenntnis] in his posthumous work *The Religion of Reason from the Sources of Judaism [Die Religion der Vernunft aus den Quellen des Judentums]* (1919). This work has provided our research with some fruitful insights.

2. The Jewish people and their Law

a) The importance of the religious in Judaism

The Jewish historical body represents a correlation between kinship- and fate-bound unity and religious unity—or in other words, between the physical and metaphysical unity of the people. Both bonds are independent of each

other in their origin—they come from different spheres—and the history of the people is the history of their interaction [Wechselwirkung]. Due to the independently existing ethnic body [Volkskörper], «religion» was relieved of the task that the Catholic Church, for instance, had to take on: namely, ensuring the preservation and expansion of the social group through which religion is sustained. In Judaism, the religious content alone does not have to create the social conditions that guarantee the preservation of a group. Rather, the continued existence of the group was ensured by the fact of its autonomous, consanguineous, and ethnic ties. No dogmatic teachings and no church were needed to ensure group behavior. Religious content could by its very nature remain an individual category. The Jewish people were spared the problems inherent in the Church regarding the socialization of religion and the constant struggle against it (cf. Reformation!).

On the other hand, religious content gave the people, as a physical unit, a very specific direction of action. It discouraged them from expanding in the sphere of «this world,» in the sphere of economic and military power, and directed all of their strength to the area of religious creation. The question of whether the constraints of the geopolitical situation or the free will of the people is the *prima causa* will not be discussed here. Obviously, the ideal of the powerful worldly king gave way to that of the Messiah. As a result of this redirection of all the people's strength toward the sphere of religious creation—a redirection that begins with the prophets and whose practical implementation was initiated by Ezra and concluded by the men of the Mishnah—the ethnic body was empowered to bear even the most severe political blows, ones that undoubtedly would have led to the downfall of a more worldly people. The decisive battle between Rome and the second Jewish state was the battle between two states only at the surface level: in reality, the Romans destroyed only a dummy, a shell that was completely unimportant for the Jewish historical body, even though it was of significance to the Roman one, with the result that the Jewish historical body was never in serious danger.

Real danger only ever existed when the Jewish people were deprived of the natural foundations of their existence, but not when their politically valuable foundations were limited, as when they were forced as a group to live in relatively closed-off areas with living conditions that were only just bearable economically and legally. This situation has always existed in Jewish history: the center in Palestine (until about 200 CE) was followed by the one in Babylonia (until 1000 CE), then the one in Spain (until 1500 CE), then those in Russia and Poland (until 1800 CE). In all of these centers, despite the various ways in which the economic, political, and legal situation of the Jews was shaped, the existence of the ethnic body as a physical unit was guaranteed.

Only for the past century or so has there been no such center, and thus the religious content of the Jewish people is increasingly being assigned a function that is alien to it: to guarantee the external preservation of the group, that is, to become the Church.

Due to the interaction of religious content with blood and ethnic ties, there was no need to form a church or a state as an expression of economic and military power. Rather, this interaction was the origin of a penetration of the social body by the «soul» of the historical body, a penetration of such tremendous intensity that the social body in its entire breadth and depth was caught up in and shaped by the culture of ethical monotheism.

The correlation between this physical and metaphysical unity, the expression of the pervasion of the social body by the «soul» of the cultural body, is the Law. It is not the task of the Law to guarantee to the Church the existence of the group; rather, the Law relies on the autonomous existence of the people as a precondition and then has more the function of connecting the people, as a group bound by blood, with the religious idea that is supposed to be immanent to it and of shaping this idea into an enduring and indestructible one [Cf. Groiser 2005, p. 133].

From the outset, the Law has the following characteristics: according to its content, the Law should be a binding normative system for all members of the people and at the same time capable of safeguarding religious individuality—a system that in turn has its roots in the religious idea that the people must assimilate. The basic religious-moral attitude is not formed into a theological system, but rather is adopted directly by the *halacha*, the Law. This thus becomes the strongest expression of religious feeling, which is not formed in the realm of thought but rather in a national, social, «value-rational» [wertrational] (Max Weber) action.

Temporally, the physical bond precedes the religious one. As a clan bound by kinship, the people of Israel migrate to Canaan and from there to Egypt: «And the children of Israel were fruitful, and increased abundantly, and multiplied, and waxed exceeding mighty; and the land was filled with them» (Exodus 1:7). But «it was only in the turbulent time that preceded the exodus from Egypt, and during the stay in the desert that followed, that the covenant of the tribes that later made up the people of Israel came into being.» (Wellhausen 1895, p. 16.)

In addition to the physical bond of blood, there is the commonality of their economic situation and their external fate. When the unbearable economic situation drives them to revolution, to the common liberation struggle against Egypt, we still have only a purely physical unit of force before us. But it is in this revolution born of purely economic causes that the metaphysical bond of the people comes into being: a bond that takes form through the event at Sinai,

the proclamation of the Law, and the will of the people to consider themselves the people of God. «Moses established the ideal character of the people and standardized it by giving them the law» (Wellhausen 1895, p. 16). This physical-religious unity, this religious and ethnic duality, is probably nowhere more strongly expressed than in Exodus 19:6: «And ye shall be unto Me a kingdom of priests, and a holy nation.»

The final detachment of the Jewish social body from the state, and thus the renunciation of all «this-world» expansion, is embodied in the action of Rabbi Yohanan ben Zakkai. When Jerusalem was besieged by the Roman armies in 70 CE, Yohanan ben Zakkai, who belonged to the peace party, called for temporary submission in order to save Jerusalem and the Temple from destruction. But all attempts to persuade the war party to surrender failed. So, he resorted to a forceful ploy: he hid himself in a coffin and ordered his disciples to carry him through the gates of Jerusalem to the Roman camp so that he could negotiate with the enemy directly. He asked for the city of Jamnia to reconstitute the Sanhedrin and to establish a house of learning [beth midrash] with its sages. The request was granted. He moved with his disciples to Jamnia, where he received the news of the fall of Jerusalem. This created the fundamental particularity of Rabbinic Judaism: the people live without a state, and, later on, without a common territory and a common living language. Physically bound only by blood and fate, they are able to survive because their center of gravity lies in the sphere of the metaphysical-religious. Yohanan ben Zakkai expressed this clearly when he said, «Wherever Israel is driven, God goes with it.» Yohanan ben Zakkai and his successors also implemented new practical measures as a result of the changed situation. The Sanhedrin at Yavneh [Jamnia] was given full and supreme authority of the Jews of Palestine. The temple sacrifice was ultimately replaced with the congregational prayer, and thus complete detachment from the state was achieved.

b) The religious content of the Law

If one asks what the metaphysical meaning—that is, the religious content—of the Jewish people is, one finds quite a number of formulations that in practice can be reduced to the same simple concept: the idea of the metaphysical fact of the reality and unity of God as opposed to the unreality of everything that only exists physically, as it is expressed in the faith in the Messiah. This faith in the Messiah is a faith in a state in which all people recognize God as unity and reality; it commits the Jewish people to work towards this goal as the meaning and purpose of all history.

God reveals himself to Moses as «the God thy father, the God of Abraham, the God of Isaac, and the God of Jacob» (Exodus 3:6). Only when Moses points out to him the inability of the people to believe in a nameless God does he reveal his name with: «I am that I am» (Exodus 3:14), the Being [der Seiende]. At Sinai, God reveals himself to the people with: «I am the Lord thy God, who brought thee out of the land of Egypt, out of the house of bondage» (Exodus 20:2). Finally, a third formulation from the Pentateuch should be mentioned: «Hear, O Israel: the Lord our God, the Lord is one» (Deuteronomy 6:4). This sentence is the confession with which the Jew dies. It is the strongest and deepest expression of biblical religiosity, and yet it is anything but a dogma that demands faith in a very specific statement about God.

In the case of the prophets, in addition to the passages that express faith in God as the true Being, there are also those that express faith in the Messiah—in the God-fulfillment of all human beings. As Hosea says:

«Afterward shall the children of Israel return, and seek the Lord their God, and David their king; and shall come trembling unto the Lord and to His goodness in the end of days.» (Hosea 3:5)

Amos says:

«In that day will I raise up the tabernacle of David that is fallen, and close up the breaches thereof, and I will raise up his ruins, and I will build it as in the days of old. (...) Behold, the days come that the plowman shall overtake the reaper, and the treader of grapes him that soweth seed; and the mountains shall drop sweet wine, and all the hills shall melt. And I will turn the captivity of My people Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink the wine thereof; they shall also make gardens, and eat the fruit of them. And I will plant them upon their land, and they shall no more be plucked up out of their land which I have given them.» (Amos 9:11, 13–15)

The prophet Micah says:

«But in the end of days it shall come to pass, that the mountain of the Lord's house shall be established as the top of the mountains, and it shall be exalted above the hills; and peoples shall flow unto it. And many nations shall go and say: «Come ye, and let us go up to the mountain of the Lord, and to the house of the God of Jacob; and He will teach us of His ways, and we will walk in His paths. For out of Zion shall go forth the law, and the word of the

Lord from Jerusalem. And He shall judge between many peoples, and shall decide concerning mighty nations afar off; and they shall beat their swords into plowshares, and their spears into pruninghooks; nation shall not lift up sword against nation, neither shall they learn war any more. But they shall sit every man under his vine and under his fig-tree; and none shall make them afraid; For the mouth of the Lord of hosts hath spoken.» (Micah 4:1–4)

Prophetic universalism perhaps finds its highest expression in the words of Isaiah:

«In that day shall there be a highway out of Egypt to Assyria, and the Assyrian shall come into Egypt, and the Egyptian into Assyria; and the Egyptians shall worship with the Assyrians. In that day shall Israel be the third with Egypt and with Assyria, a blessing in the midst of the earth; for that the Lord of hosts hath blessed him, saying: «Blessed be Egypt My people and Assyria the work of My hands, and Israel Mine inheritance.»» (Isaiah 19:23–25)

Jeremiah exclaims:

«Behold, the days come,» saith the Lord, «that I will make a new covenant with the house of Israel, and with the house of Judah. But this is the covenant that I will make with the house of Israel after those days,» saith the Lord, «I will put My law in their inward parts, and in their heart will I write it; and I will be their God, and they shall be My people.» (Jeremiah 31:31, 33)

Then we hear from Ezekiel:

«And I will sprinkle clean water upon you, and ye shall be clean; from all your uncleannesses, and from all your idols, will I cleanse you. A new heart also will I give you, and a new spirit will I put within you; and I will take away the stony heart out of your flesh, and I will give you a heart of flesh. And I will put My spirit within you, and cause you to walk in My statutes, and ye shall keep Mine ordinances, and do them.» (Ezekiel 36:25–27)

From the prophetic passages quoted here, it becomes immediately clear what is to be regarded as the metaphysical content of prophetism: knowledge of God and its spread to Israel and to mankind, an idea of God that is far from dogmatic. Evident here is the strong belief in God and in the Messiah, but no belief in statements about God or in statements about the Messiah.

c) The anti-dogmatic character of the Law

The religious contents of the Bible and the prophets are the same as those of all later Judaism. Again and again, biblical-prophetic formulations were used to express one's own religious content. For the Jewish historical body—due to its characteristic correlation between «social body» and «culture»—it was therefore neither necessary nor possible to develop a dogmatic teaching. We must also be careful not to mistake certain formulations present in the Bible, such as «Hear, O Israel: The Lord our God, the Lord is One» (Deuteronomy 6:4), for dogmas. In contrast to dogmas, such formulations do not contain statements about God that must be believed; rather, they are the pure expression of the people's basic religious attitude, and at the same time the premise for every other precept that requires not faith but rather action. In that regard, H. von Schubert (1919, pp. 76 f.) observes that in post-biblical times, the essence of dogma no longer rests on faith in a person; faith becomes more the «adherence to affirmations about that person.»

There is another thing to consider: of course, every Jew and especially every spiritual leader of the people had his own individual worldview, and it is thus unsurprising that some lay claim to imposing theirs on the people. From a sociological point of view, however, it is not this claim that is important, but rather the question of whether the imposition was successful—that is, whether the faith of the individual became the faith of the whole. Finally, we must consider that the claim to dogmatic professions of faith—with one exception, perhaps—was only raised in the Middle Ages, and precisely for apologetic and political reasons in connection with the rejection of foreign religions and cultures. These formulations of faith were—as is customary in philosophy—employed as weapons to enable the fight against foreign adversaries. The entire matter was a kind of mimicry made necessary by the collision with foreign cultures. (On the formation of dogmas, see Schechter 1888.)

Something similar to a dogmatic formulation in Jewish literature can be found for the first time in the tractate *Sanhedrin* of the Talmud, where we read:

«These are the ones who have no portion in the world to come: He who says the resurrection of the dead is a teaching that does not derive from the Torah, and the Torah does not come from heaven; and an Epicurean.» [Sanhedrin 10:1] (Neusner 2005, p. 1102)

Apart from the fact that this passage, due to its own incompleteness, cannot be regarded as comprehensive Jewish dogma, it is evident here that the three

requirements of faith are cited for polemical reasons. Even Schechter himself, who affirms and defends the dogmatic character of Judaism, is forced to admit that, «When they [the Rabbis] urged the three points stated above there must have been some historical reason for it» (1888, p. 58). In fact, we also read statements like these in the Talmud: «He who denies idolatry is called a Jew» and «The Jew, even if he has sinned, is still a Jew» (quoted in Schechter 1888, p. 57).

Dogmas in the proper sense can be seen for the first time in the Karaite sect, which split off from Judaism. We find these dogmas in the *Eshkol Ha-Kofer* (circa 1150 CE) of Judah Hadassi, who in turn may have received them in whole or in part from the Karaite Joseph ben Abraham al-Basir (circa 950 CE). The founder of Karaism, Anan ben David, also purportedly wrote a dogmatic «summa» in Arabic.

While dogmas are found for the first time in a sect that had split off from Judaism, representative scholars of Judaism establish their own dogmas only a short time later. The reason, as S. Schechter (1888) also assumes, must be sought in the Jews' closer contacts with new philosophical schools and creeds, as well as in the efforts of individual scholars to personally grapple with these creeds and philosophies in such a way that they believed they had to introduce the authority of Judaism in the form of a theological system.

The first representative of Judaism to construct a system of dogmas was the Jewish philosopher of religion Maimonides, who formulated thirteen articles of faith upon whose acceptance he sought to make membership in Judaism dependent. Maimonides' Articles of Faith found partial recognition, partly they were supplemented or shortened, and partly they were even fiercely opposed. For Nachmanides, for instance, there were only three basic principles of Judaism (*creatio ex nihilo*, omniscience, and providence); Rabbi David ben Samuel d'Estella (1320) spoke of seven doctrines of faith; Rabbi David ben Yom Tov ibn Bilia added thirteen more articles to those of Maimonides. Rabbi Josef recognizes only one fundamental demand of faith in Judaism. Lastly, Rabbi Saul of Berlin, who died in 1794 and was a critic of Maimonides, argued that dogmas can only be established with regard to the needs of the time.

In effect, the dogmas did not acquire any further significance than as individual expressions of opinion of individual leaders of the Jewish people. This is proven above all by the fact that the established dogmas exist in such a variety of formulations. While the Law has found only a few clear codifications that were in practice binding on the entire people, a great controversy about the Articles of Faith arose among Jewish scholars. Never, however, did this lead to the slightest national division or secession of any part of the community: it was a purely theoretical dispute that today is of only historical and literary

significance. The Jewish people themselves have long forgotten the dogmas, with the exception of Maimonides' Thirteen Articles of Faith, which—reworked into a poem—are sung at the conclusion of the evening services on holidays. If we compare them to the role of the profession of faith in Islam or in the Catholic or Protestant Church, for example, the difference is immediately obvious.

The controversy between Maimonides and Rabbi Abraham ben David can serve as an example of the purely theoretical character of dogmas and their social irrelevance among the Jewish people. When Maimonides affirms that he who does not believe in the absolute incorporeality of God has no share in the future world, Rabbi Abraham, in his commentary on the work of Maimonides, observes dryly, «Better and greater men than you have believed in it!»

3. On the form in general and the Jewish Law in particular

The Jewish people are bound by the collective form of the Law, with the Law being the bearer of religious content. What is the general function of the form as social action—as a formal expression of religious content—and what is its relationship to meaning?

The function of the form is primarily to be understood—negatively—in the protection it confers. It protects the sacred that is hidden within it, the content for which it serves as a veil. Only in rare moments is it permissible to directly express and reveal the sacred content. Throughout history, we observe repeatedly that when the most sacred contents are presented to the masses without veils, they gradually lose their sacredness and ultimately end up as platitudes found only in the mouths of the ignorant. It is only safe to utter the sacred at the moment of consecration or in the privacy of intimate human communities. This is the deeper meaning of the Jewish prohibition of pronouncing the name of God, and at the same time it explains why the high priest is nevertheless allowed to pronounce the name of God once a year, at the consecration ceremony on the Day of Atonement.

The form protects the sacred content contained within it, but it also protects the individuality of the person filled with this content. It is true that language, insofar as it is the form in which a content is expressed, already allows the individuality of the individual a certain freedom to understand and recreate content as he alone can and must—but how much greater is the freedom when the unspoken content remains veiled in form! Only then can the individual shape this content entirely in accordance with his own particularity without—and herein lies another function of the form—losing the connection with the

people of his generation, with the people as a whole, and with the generations before him and after him; that is, the connection with history. Forms are direct bearers of «meaning,» mediators between religious idea and collectivity. They preserve the individuality of the individual within the framework of the idea, as well as the coherence of the collective and the continuity of history.

The form does not provide the content as such; it merely adumbrates it. The individual must fill it with content, and fill it again and again. He himself must create content, must be creative, must be an artist. The form educates people, educates a people to creativity. And only a creative people can live these forms meaningfully. When a people is not creative, then the system of forms becomes formalism. If the people no longer understand that the form is only a penultimate, the form becomes its own content—and new prophets must come to awaken it.

Collective forms educate to love. Love aims at the person himself, regardless of his particularity or abilities. The form is a bond that is independent of the individual's particularity. It creates common ground between people, between good and bad, poor and rich, intelligent and ignorant. From the abundance of collective forms, one can recognize both the bond of a people and the measure of love within them. The collectivity of the meaning-filled form also explains the particularity of the mass bound by the form. Whenever a mass lacks a form that holds it together, or is bound by only insignificant forms, it has in common only trivial things of low value. The individual may be the valuable one, the moral one in the mass, but the mass of many such individuals is immoral, capable of acts of which the individual would never be capable, because each individual bears only a part of the responsibility and passes the greater part on to all the others.

If, however, the mass has a collectivity of forms related to the most sacred and sublime, the psychology of the mass will be just the opposite: although the individual may be capable of evil, the mass, the community, is sacred, because the people, by the fact of sharing what is most sacred, have a profound respect for one another. They also do not pass responsibility onto others; rather, their own responsibility is considerably strengthened by the presence of what is most sacred. Herein lies the contrast between the psychology of the formless European mass and the form-bound Jewish mass. Leopold Zunz expresses this love-creating function of the Law with particular beauty:

«As often as the symbol becomes visible in our outer being, the ancient love stirs within us and draws into its sacred circles all those who have built themselves up in communal conviction with us, who have implanted virtues in us through religious custom; yes, all those who feel the same pain with us, or

with whom we bear the same suffering, are drawn close to us, and the cold selfishness sinks into a sea of ardent love and melts away... On the other hand, if your soul delights in the religious law, you will remain close to those who worship the same sanctity in the same law.» (Zunz 1843, pp. 174 f.)

What applies to the form in general of course also applies to the Jewish Law in particular. The Law, which—as has already been shown—requires action, and not faith, is created for the whole, not for the individual, for the people, not for one social class. All are equal before it; it is the expression of a substantive democracy, not a formal one. Judaism rejects on principle a culture that is possible or designated exclusively for only one social class; the Law is the strongest expression of this principle. It seeks to pave the way to the goal for the whole people. For this reason, even those who would not need the support of the Law at all—that is, those who could find the way to the goal on their own—must submit to it. The very leaders of the nation sealed this principle with their blood when, at the time of the Hadrianic persecutions, they allowed the people to violate the Law when they were in danger of dying (unless it was a matter of murder, fornication, or idolatry), while they themselves, who more than anyone else could do without the Law, disdained to make use of this permission.

The Law aims to create opportunities to reach the goal, but it is not itself the goal. It is, as the word «*halacha*» (from *haloch* = to go) indicates, a path. This also means that one can reach the goal of the knowledge of God without it; it is certainly not the goal itself. Rather, it seeks to be followed, and for this purpose requires the creative intervention of man.

But while only a few can pave the way to the goal by themselves, the way, once paved, is passable for the entire people. The Law seeks to change the environment, not the people directly. This is arguably clearest in the Sabbath law. It is not prescribed in the law—which would be quite conceivable—what mood the Jew should be in on the Sabbath, what spirit should animate him, and what kind of joy and rest he should have. But he is commanded in detail what to do and what not to do. Not only does the law generally forbid him from doing any kind of work, but even the smallest detail as to what is permitted and what is forbidden is casuistically determined. Thus the Jew is not only forbidden from buying and selling, but even touching money and all objects somehow related to working days is forbidden to him. The Law changes the environment of the Jew on the Sabbath: it radically separates him from the working-day world that otherwise surrounds him, and aims to give him the opportunity for inner creative peace. The Law seeks to change the environment in order to give man the opportunity to change himself.

The bearer of the Law as a whole is the people. The observance of a law is entrusted to the individual, the community of men, and the family. The positions of men and women before the Law are different. For women, the Law applies with the exception of all those duties that are bound to a certain time. This is probably due to the fact that precisely those laws that are bound to a certain time have the purpose of pulling people out of their time-bound nature and thus making them the master of time. This necessity exists far more for men than it does for women.

Insofar as laws concern only the individual and do not at the same time include him as a member of the community of men, they are linked to situations that, by their very nature, only concern the individual, such as the purity laws and the laws governing marriage and death.

The law of which the community of men is the true bearer is that of prayer. Although the individual may also perform it with some modifications, its actual place is in the congregation of ten men. God's glory rests in the congregation, and it is here that the social character of Judaism is most clearly expressed. This becomes especially evident on the Day of Atonement: the congregation, wrapped in their shrouds, spends this day fasting and praying from evening to evening in order to return to God. The Day of Atonement has a specific date in the year. If, however, a congregation decides to «make the return» and celebrate this day together as a community, it is possible and permitted to do so, because it is not the specific date, but the fact of the return of the congregation that is essential. The Talmud says that many transgressions that cannot be atoned for through individual repentance find their individual atonement and erasure only in the return of the congregation.

Alongside the community of men as the bearer of the Law is the family. Perhaps the best example of this is the celebration of the Seder, the commemoration of the liberation from Egypt. Here, all national beauty and greatness is consolidated so that gratitude may be shown to it within the circle of the family. This is made clear in the biblical commandment:

«And the Lord spoke unto Moses and Aaron in the land of Egypt, saying: This month shall be unto you the beginning of months; it shall be the first month of the year to you. Speak ye unto all the congregation of Israel, saying: In the tenth day of this month they shall take to them every man a lamb, according to their fathers' houses, a lamb for a household.» (Exodus 12:1–3)

The Talmud also commands that the feast of Chanukah, the festival commemorating the victorious battles of the Maccabees and the dedication of the Temple, be celebrated in a particular way within the family.

It can be said that that which is based in the individual relationship between man and God, such as prayer, is attributed to the community of men, and that, conversely, that which is based in the communal, the national, finds its natural place in the circle of the family. Thanks to this interrelationship, the fusion of the ethnic body with the Law and thus with religious content was consolidated and strengthened.

For Judaism, the world of «this world»—the world of corporeality and materiality—is not in conflict with the «world beyond,» the world of metaphysical reality. Rather, «this» world is at the service of «that» world: it is formed and filled by it. Man's relationship to both worlds is best expressed by the term «active sanctification of the world» [tätige Weltheiligung]. The Law has the task of paving the way for this, because the mastery of this world and the enabling of religious creation are the conditions for the knowledge of God.

Among the laws whose purpose is the religious mastery and sanctification of this world, two groups must be distinguished: those that symbolize such mastery and are thus indirectly influential—be it on the individual or on the nation—and those that are entrusted to create such mastery directly. Those laws that primarily symbolize an individual's position of servitude are simultaneously emblematic of the covenant between God and the people. They include the commandment of circumcision, perhaps the strongest expression of the sanctification of man through God's covenant with the people of Israel. The commandment to wear fringes on the four corners of the garments is also one of them:

«And it shall be unto you for a fringe, that ye may look upon it, and remember all the commandments of the Lord, and do them; and that ye go not about after your own heart and your own eyes, after which ye use to go astray.»
(Numbers 15:39)

Finally, we must mention the commandment of *tefillin* [phylacteries], the symbolic cubes containing individual sections of the Torah written on parchment; they are tied around the head and arm—of which they are an expression of sanctification—during morning prayer. The commandment of the *mezuzah* [doorpost] also involves small parchment rolls printed with passages from the Torah; these are held inside of small cases and attached to all doors within the house.

Those laws that are the expression of the divine purpose of the people have a historical character, because they commemorate great historical events: the celebrations commemorating the liberation from Egypt, the legislation of Sinai, and some other significant events in history.

Laws that are only secondarily of a symbolic character, but which primarily seek to educate man to master his world, are above all the dietary law, the marriage law, and the social law. The dietary law, which restricts the consumption of animals and prohibits the consumption of blood, is intended to educate man to mastery over food. It seeks to make him ruler of the animal world—which offers itself to him for enjoyment—by making him the servant of a Law. The same fundamental importance of educating man to mastery is given in the area of sexuality by the marriage law, with its strict regulation of the relationships between men and women. Finally, we must mention the social law, which mandates tithing, commands that the corners of the field be left unharvested, and forbids gleaning. In contrast to the aforementioned laws, it is not the person but the property that is placed at the service of the moral-religious goal.

That man, as a citizen of this world, is placed in the service of God or—as the preferred phrase goes—under «the yoke of the kingdom of heaven» is expressed most strikingly by the following biblical passage: «And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might.» (Deuteronomy 6:5)

A second objective of the Jewish Law is to provide man with maximum peace, freedom from hustle and bustle and freedom from worries about the world, so that he can create independently and religiously. Here, the Law must offer man the possibility of freeing himself from the hustle and bustle of the world in order to penetrate the realm of the religious. The strongest and most powerful expression of this will to rest, to achieve mastery over one's time, to interrupt haste and all worldly activity, is the Sabbath. The Jewish people rightly regarded the Sabbath commandment (which, along with that of circumcision, belongs to the first type of laws) as their greatest and most sacred possession, as the cornerstone of their existence. Because the Sabbath is the crowning achievement of the creation of the world by God himself, it is already clothed in the Bible with the highest holiness.

The sanctification of the Sabbath was (like circumcision) a commandment even before the legislation of Sinai. When the manna falls during the wandering in the wilderness, the Israelites are commanded: «Six days ye shall gather it; but on the seventh day is the Sabbath, in it there shall be none» (Exodus 16:26). Thus the people celebrated the seventh day. The Sabbath commandment finds its final specification in the Bible in the Ten Commandments:

«Six days shalt thou labor, and do all thy work; but the seventh day is a Sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates; for in six days the

Lord made heaven and earth, the sea, and all that in them is, and rested on the seventh day; wherefore the Lord blessed the Sabbath Day, and hallowed it.» (Exodus 20:9–11)

Rabbinic Judaism has developed and expanded the Sabbath law with the same rigorism that characterizes biblical prohibition (even the work of slaves and animals is forbidden). Especially in the oral tradition, there was an effort to determine in detail which work is forbidden on the Sabbath. There are thirty-nine forms of work declared forbidden (each comprising a multitude of specific activities). With this system of prohibitions, the oral tradition ultimately ensured that on the Sabbath, the Jew was completely separated and detached from the work-a-day world. The imposition of rest is intended to deprive man of any possibility of creatively influencing the world. The whole world of materiality, in which man is otherwise a creator and transformer, is non-existent for the Jew on the Sabbath and in this respect.

For Rabbinic law, rest does not mean «resting,» but rather creation in the sphere of the religious and abstention from all creation in the sphere of the material world. Only on the basis of this principle can we understand the individual precepts concerning the types of work forbidden. Herein also lies the deeper meaning of the analogy between Sabbath rest and God's rest on the seventh day of creation. According to this law, all of His creative energy should and must extend to and influence the spiritual-religious sphere.

Under this law, the Sabbath is far more than, and something completely different from, a day of not working. It is a day of maximum spiritual creative activity on the part of the individual. With tremendous radicalism, the Law has carried out this principle of interrupting any active relationship with the world, to the point where it is forbidden to extinguish a fire that endangers the entire property of a Jew. Only in the case of danger to life is the violation of the Sabbath law—as well as any other law—permitted.

The intention of releasing man from the bondage of the working-day world and giving him the opportunity for religious creation is expressed no less clearly in the law regarding the Sabbath year. It commands that every seventh year, the land be left uncultivated and the wildly growing crops be made available to the poor. Usually, the Sabbath year is viewed only from a social welfare and agricultural point of view. The function of the law of the Sabbath year, however, is that it intervenes in life for longer periods of time, only to commandeer a relatively large period of time entirely for religious creation.

The laws that regulate the times of prayer also have as their main purpose the creation of intervals of rest and separation from the world in the midst of the world itself. The Law compels the Jew to pray three times a day, that is,

to interrupt his daily work in order to apply himself to religious creation. This duty binds both the scholar, who interrupts his studies, and the worker, who must interrupt his work in order to fulfill this duty. Quite simply, it illuminates how powerfully this provision of the Law removes the haste of working-day life and repeatedly gives the individual dominion over time and thus religious creation. The compulsory prayer is, in a very special way, the expression of «active sanctification of the world.» It is not left to the individual to pray only when he is in a religious frame of mind; rather, he is forced to interrupt his daily work, again and again, to «create» the mental attitude in which prayer is possible. (Cf. Martin Buber's discussion on the «motoric» type of person, to which he also counts the Jews [Buber 1916, pp. 11 f.].)

Another aspect of prayer relates to what was said before: the prayer of Judaism is the congregational prayer, of which outside of Judaism itself there are only a few traces and germs (except later in Christianity) (Heiler 1920, pp. 421 ff.). The center of prayer is the Eighteen Benedictions, which in its present form was not written until after the fall of the Second Temple (70 CE), but whose foundations date back to the time before the emergence of Christianity. As F. Heiler (1920) correctly observes, the Eighteen Benedictions is a «prayer form» that each praying individual must fill with his own individual religious content. The text prescribed for collective prayer is only a motive and possibility of individual religious creation, as is, incidentally, the liturgical congregational prayer in general. Deeply rooted in the spirit of prophetic piety, it is a direct outflow of the individual prophetic prayer life. Prayer thus fits perfectly into the framework of the overall Law, insofar as it is also to be regarded as a form that allows the individual freedom in his religious life.

It is extraordinarily significant that both Karaism and the Reform movement wanted to abolish the Law in its objective form and thus immediately launched an attack on Jewish congregational prayer by replacing the Eighteen Benedictions with verses and psalms that bear a much more individual religious character than the «prayer form» of the Eighteen Benedictions. It is equally significant that Hasidism, with its affirmation of the Law, has retained the Eighteen Benedictions, even though a change in prayer would have been understandable given the group's new creative religious power.

The Law has the task of paving the way to the knowledge of God for every member of the people. It does not propose an «inner-worldly asceticism», but rather an «active sanctification of the world.» On what the knowledge of God itself is supposed to be, the Law is silent: beyond the rather elementary belief in the uniqueness of God, nothing is formulated in the Law that is binding for the whole. Only in secret, intimate circles are «the secrets revealed» (Cohen 1919, p. 399).

Excursus I:

Work and vocation in Rabbinic Judaism

We have determined that an essential religious basis of the Law is the intention of providing a person with rest, and with it the possibility for contemplation and religious creation. We have seen in this tendency the specificity of an entire group of laws, although in the present work we examine only those regarding the Sabbath, the Sabbath year, and the obligatory prayer.

It is thus logical to inquire as to the overall position Rabbinic Judaism has taken on vocation and work. This task is facilitated by the writings of Max Weber, who, using the example of the economic ethics of Protestantism, demonstrated, in a classical manner, the connection between the esteem for and significance of vocation and work and the prevailing religious-moral views. In doing so, he even spent a few sentences touching on the problem and solution with regard to Judaism:

«Thus when authors, as was the case with several contemporaries as well as later writers, characterize the basic ethical tendency of Puritanism, especially in England, as English Hebraism they are, correctly understood, not wrong. It is necessary, however, not to think of Palestinian Judaism at the time of the writing of the Scriptures, but of Judaism as it became under the influence of many centuries of formalistic, legalistic, and Talmudic education. Even then one must be very careful in drawing parallels.» (M. Weber [1905] 1992, pp. 110 f.)

The overall unselfconscious appreciation for life in ancient Judaism is far removed from the specific particularity of Puritanism; equally far removed from ancient Judaism—and this must not be overlooked—were the business ethics of medieval and modern Judaism, which played an important role in the development of the capitalist ethos. Specifically, this Judaism sided with the politically and speculatively oriented adventurous capitalism. Its ethos was that of «pariah capitalism». Puritanism, on the other hand, was the vehicle for the ethos of the rational bourgeois enterprise and the rational organization of work, taking from Jewish ethics only what fit into its framework.

In the following, we will more closely examine and show how the contrast that Max Weber perceives and outlines between the economic ethos of Puritanism and that of Judaism does in fact exist. It exists not only for the Old

Testament, but also—and especially—for Rabbinic-Talmudic Judaism. We will begin by briefly outlining Max Weber's primary positions on Puritanism so that we may then contrast them with the Jewish understanding.

a) The business ethics of Puritanism

Beginning with Martin Luther, *Beruf* [vocation, or «calling»] takes on a meaning unknown in the Catholic Middle Ages: a religious-ethical one.

«Now it is unmistakable that even in the German word *Beruf*, and perhaps still more clearly in the English *calling*, a religious conception, that of a task set by God, is at least suggested. The more emphasis is put upon the word in a concrete case, the more evident is the connotation. And if we trace the history of the word through the civilized languages, it appears that neither the predominantly Catholic peoples nor those of classical antiquity have possessed any expression of similar connotation for what we know as a calling (in the sense of a life-task, a definite field in which to work), while one has existed for all predominantly Protestant peoples.» (M. Weber [1905] 1992, p. 39.)

For Max Weber, the drive for hasty, uninterrupted work arises from the aspiration to have a visible sign of existence for the outside world. This is the question that constantly torments the Puritan, who in the haste of daily work and in the success of his work seeks to gain proof of the grace of God. The work itself is the absolute commandment of God. It is sacred and becomes an end in itself:

«But the most important thing was that even beyond that, labor came to be considered in itself the end of life, ordained as such by God. St. Paul's «He who will not work shall not eat» holds unconditionally for everyone. Unwillingness to work is symptomatic of the lack of grace.» (Ibid., p. 105.)

To become rich and use the wealth for the glory of God is a divine command. According to John Wesley, «we must exhort all Christians to gain all they can, and to save all they can; that is, in effect, to grow rich» (quoted *ibid.*, p. 119).

Furthermore, the importance of work in Puritanism was also based on its usefulness as an ascetic means and as a distraction from the «unclean life»:

«Accordingly, Baxter's principal work is dominated by the continually repeated, often almost passionate preaching of hard, continuous bodily or mental

labor. It is due to a combination of two different motives. Labor is, on the one hand, an approved ascetic technique, as it always has been in the Western Church, in sharp contrast not only to the Orient but to almost all monastic rules the world over.» (Ibid., p. 105.)

The extraordinary esteem for work as a binding command of God, as an end in itself, and as an ascetic means, as well as the perception of calling as a moral-religious task and of wealth as something desired by God—according to Max Weber, all of this leads to a necessarily negative tendency: «Thus inactive contemplation is also valueless, or even directly reprehensible if it is at the expense of one's daily work. For it is less pleasing to God than the active performance of His will in a calling.» (Ibid., p. 104.)

b) On the relationship between vocational work and religious practice in Rabbinic Judaism

We now turn to Rabbinic Judaism's position on work and calling. Before addressing the individual questions, let us summarize what we have already said about the basic attitude:

Judaism affirms «this» world; it demands knowledge of God within it. It wants sanctification of the world through knowledge [Erkenntnis] and action, not escape from the world and asceticism. Everything in the world demands sanctification and is affirmed as being holy. Judaism proceeds from the idea of «active sanctification of the world.» The Law serves this purpose. Since Judaism has an attitude toward the world that gives it a positive religious meaning, the attitude of «inner-worldly asceticism» that Max Weber finds in Puritanism, according to which man must defend himself against the world, so to speak, and work becomes a means of self-defense, is quite alien to Judaism. Judaism replaces the negative system of inner-worldly asceticism with the positive system of the Law.

In Judaism, the highest and sole purpose of life is knowledge. Just as the world is subordinate to God, so work is subordinate to knowledge. As such, Puritanism's view of the sacredness of work is completely absent in Rabbinic Judaism. The supreme purpose of life is knowledge, and work is necessary for the preservation of life; it is a necessary evil. It must therefore be done only to meet needs, not to amass wealth.

The business ethics of Judaism is—in the language of Max Weber—«traditionalistic.» In the biblical telling of the expulsion from paradise, work is portrayed as a curse, while rest is the crowning glory and sanctification of

work. The children of Israel are forbidden from collecting manna beyond their immediate needs. In the *Kohelet* [Book of Ecclesiastes] in particular, the favoring of economic traditionalism over Puritanism becomes clear. Here, we read that God gives the sinner «the task, to gather and to heap up» (Ecclesiastes 2:26), and that one handful with tranquility is better than two handfuls with toil, etc.

Max Weber characterizes the attitude of the Old Testament thusly:

«The Old Testament, in particular, though in the genuine prophets it showed no sign of a tendency to excel worldly morality, and elsewhere only in quite isolated rudiments and suggestions, contained a similar religious idea entirely in the traditionalistic sense. Everyone should abide by his living and let the godless run after gain. That is the sense of all the statements which bear directly on worldly activities. Not until the Talmud is a partially, but not even then fundamentally different attitude to be found.» (M. Weber [1905] 1992, p. 43.)

As the following quotations from Talmudic literature show, the authoritative literature also considers Rabbinic Judaism to be quite traditionalistic. Let us begin by examining a quotation from the Mishnah, the oldest and most authoritative source of post-biblical Judaism. There, Rabbi Simeon ben Eleazar says:

«Have you ever seen a beast or a bird that has a trade? And yet they earn their livelihood without anguish. But all these were created only to serve me, and I, a human being, was created to serve the One Who formed me. Is it not right that I should earn my livelihood without anguish? But I, i.e., humanity, have committed evil actions and have lost my livelihood.» (Kiddushin 4:14 [Fol. 82a] | Sefaria 2021a)

We find a similar thought in the Talmud, where work, even when it is affirmed, is still always regarded only as a necessary evil, with the result that the contrast with a puritanical understanding of work as a divine commandment or even as an end in itself (see the position of Richard Baxter cited above) is quite obvious. In one religious academy, there was a dispute about the duty of work and the study of God's teaching; specifically, it was about the interpretation of Joshua 1:8: «This book of the law shall not depart out of thy mouth.» Rabbi Ishmael stood up and said, «The Holy Law contains many provisions related to civil order and sets many standards for work, trade, etc. This civil order alone could not possibly reconcile itself with the obligation to devote oneself continuously to the study of the Torah. It follows that this obligation must adapt itself to the needs of the citizens» (quoted in Friedländer 1890).

Rabbi Shimon bar Yochai firmly rejected the statement of Rabbi Ismael:

«How can you serve God and the world at the same time? The world robs you of all your hours, so that you have no time left for the study of God's teaching. It is plowing one day, sowing another day, harvesting another day, threshing another day, etc. If we study and live faithfully according to the divine precepts, heaven will bless us with riches and good things. We will already have people who will work for us.» (Berakhot 6:1 [Fol. 35b])

The discussion continued for a long time without the participants reaching any agreement or a firm conclusion. Another academy, which was also debating the issue, decided thusly:

«We have examples of many people who subscribe to the belief of Rabbi Shimon bar Yochai, followed his advice and devoted all their time and energy exclusively to the study of the doctrine of God without succeeding in reaching their goal, while others, who subscribe to the belief of Rabbi Ismael and therefore devote part of their time to work and the other part to the study of the Torah, reached their goal.» (Berakhot 6:1 [Fol. 35b])

It is also quite telling that the Jewish tradition, which otherwise counts with utmost precision every command contained or even mentioned in the Bible, has not included the phrase «Six days you shall work!» among the commandments.

Standing in sharp contrast to Puritanism's belief that it is a moral duty to acquire wealth for the glory of God is this quotation from the Midrash, to which there are many parallels: «Better is he who gives only small charitable gifts, but of his own, than he who robs, extorts, and oppresses and gives great gifts» (Ecclesiastes Rabbah 4:6)—«God also said: I prefer a handful of voluntary gifts from the poor to a handful of incense from the high priest. Why? Because it is through the former, not through the latter, that atonement comes, cf. Leviticus 23:1» [quoted in Wünsche 1880, pp. 60 f.].

The following quotations from the Midrash [*Ecclesiastes Rabbah*] concerning the citation «Better is a handful of quietness, Than both the hands full of labor and striving after wind» (Ecclesiastes 4:6) are also very telling for our discourse:

«Better is he who owns only ten pieces of gold and conducts business and feeds himself with those, than he who takes money from others and suffers damage and loss. The proverb says: He loses what is his own and what is others'. His pursuit is in vain, that is, his striving is only to earn the title of merchant.» (Ecclesiastes Rabbah 4:6)

And Rabbi Hiyya bar Abba said:

«Better is a handful of serenity that the Sabbath provides than handfuls of toil and torment in the six working days; for the same one has said, «Israel will be redeemed only by the sanctification of the Sabbath»; see Isaiah 30:15» [quoted in Wünsche 1880, p. 60].

The radical stance against accumulation in particular becomes clear in the following midrash (*Ecclesiastes Rabbah*) on Ecclesiastes 2:26 [quoted in Wünsche 1880, p. 36]:

«To the one who pleases him, that is, to our father Abraham, he gave wisdom, but to the sinner, that is, to Nimrod, he gave busyness to gather and amass in order to give it to the one who is pleasing to God, that is, to Abraham; see Genesis 24:1 ff.»

In other words, «the one who is pleasing to God» refers to the Israelites when they were in Egypt. To them God gave «wisdom and knowledge [Erkenntnis],» but to the sinner, «that is, to the Canaanites, he gave the drive to accumulate riches.» (Four other variants are similar.)

Finally, let us cite a midrash from *Ecclesiastes Rabbah* in which the traditionalistic attitude is particularly evident at the point where work is recommended, although it is given remarkably little space: «Make an effort and strive to learn a trade, as a source of income, in addition to the study of the Torah,» teaches Rabbi Judah ha-Nasi on behalf of the holy community. This congregation was called holy because its members divided the workday into three sections: one dedicated to study, one to prayer, and one to work.

Rabbinic Judaism had—as will be shown with examples—a traditionalistic (or as Max Weber would say, «non-capitalist») attitude towards the economy. Nevertheless, we find in Rabbinic Judaism a great esteem for work, as the relevant literature repeatedly emphasizes. Expressions such as the following are by no means rare: «The trade is of great importance, for it honors and praises the master» (Nedarim 6:1–2 [Fol. 49b]); «Great is work, for it honors its master.» «He who serves earth shall be nourished by it.» «Work not only nourishes, but ennobles and elevates man.»

These maxims in no way contradict those cited earlier, because the esteem for work mentioned here comes from entirely different motives than those in Puritanism. In the above discussion concerning whether work conflicts with the commandment to occupy oneself day and night with the study of the doctrine, the motive that underpins the Jewish appreciation is clearly recognizable.

When asked what one should live off of, Rabbi Shimon bar Yochai replied, «Heaven will bless us with riches and with good things, and other people will work for us»; Rabbinic Judaism, however, rejects answers such as these. The first part is seen as purely utopian and incompatible with the reality-affirming character of Judaism; the second part—and here lies the essential point—is seen as irreconcilable with the democratic character of Judaism.

Rabbinic Judaism rejects the idea that one class should work in order to enable another class to devote itself to culture. All are called to knowledge [Erkenntnis]. The idea that God makes the whole people a people of prophets—which had already found its classical formulation in the Bible—runs through all Rabbinic Judaism. This also means that no one can escape the work that is necessary. Just as the entire people are called to knowledge, so the entire people are also obliged to work. «No one was allowed to say, ‘I am too noble for this work.’» «It is better to hire yourself out to any work, however menial, than to appeal to the munificence of other people» (Bava Batra 8:1 [Fol. 110a]).

It is the Jewish scholars themselves who speak of the dignity of work, even to the point of formulating the following principle: «Every father has the duty to let his son learn a trade» (Kiddushin 1:7 [Fol. 29a]). Rabbi Joshua ben Hananiah teaches: «He who studies two *halakhot* in the morning and two in the evening, but spends the rest of the time practicing a trade, has fulfilled the obligation to study the Law daily.»

It is also telling that among the Jewish scholars in particular, there are a large number of manual workers who practice this principle of universal obligation of labor in their own lives. Agriculture was a favorite pastime of many authoritative scholars of the Talmudic era. In Palestine there was Rabbi Eliezer ben Hyrcanus, who always ploughed a furrow before visiting the house of learning of Rabbi Yohanan ben Zakkai. Rabbi Ishmael, Rabbi Eleazar ben Azariah, Rabbi Yehudah ben Shammua, and Rabbi Gamaliel, among others, were farmers. In Babylon, Samuel, Abaye, Rava [Joseph bar Hama], and Rav Pappa, among others, were farmers.

«Rava was even forced to ask his students [because of their thirst for knowledge] not to visit the house of learning during the months of Nisan and Tishrei, but to devote themselves to field work so that they would not be tormented all year long by worries over food.» (Funk 1908, p. 68; see also Berakhot, Fol. 37b.)

The worker is honored because he fulfills his duty to the whole. Work is honored because it is necessary for the whole and because the fulfillment of every need is honorable for the whole. This sentiment is reiterated in various accounts and quotations from the Talmud.

«The worker Simeon of Sichnin once said to the famous Rabbi Yohanan ben Zakkai, «I am as great as you are and accomplish as much as you do. You dedicate your strength to the salvation of the whole. My work also promotes the welfare of humanity. I dig trenches, keep the wells clean, and you can instruct someone to drink from this or that spring, to bathe in this or that trench.» «I must agree with you completely,» replied the pious teacher, for it is written: «It is better to draw close and listen, than offer sacrifices as fools do, for they can know neither good nor evil acts.»» (Ecclesiastes Rabbah 4:17)

c) The legal status of the worker in biblical and Rabbinic Judaism

We have now outlined the attitude that views work as an activity necessary for society, the exercise of which binds society itself—that is, in principle, everyone. From this attitude, we must deduce that in both biblical and Talmudic Judaism, the worker enjoys a respectable legal status. The Bible says:

«Thou shalt not oppress thy neighbor, nor rob him; the wages of a hired servant shall not abide with thee all night until the morning» (Leviticus 19:13).—
«Thou shalt not oppress a hired servant that is poor and needy, whether he be of thy brethren, or of thy strangers that are in thy land within thy gates. In the same day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor, and setteth his heart upon it: lest he cry against thee unto the Lord and it be sin in thee.» (Deuteronomy 24:14–15)

«At the end of seven years ye shall let go every man his brother that is a Hebrew» (Jeremiah 34:14). If he refused freedom, however, he was condemned to perpetual slavery and his ear was pierced as punishment. For, according to the Midrash, he did not understand the word of God: «You shall be my servants, and not the servants of servants.» A. Jellinek writes:

«Writers like Plutarch, Cassius Dio, Petronius, Tacitus, Suetonius, Juvenal, Martial, Justin, and Rutilius Namatianus mocked the Sabbath. They could not understand how the Palestinian could give every seventh day to his worker, reducing the private rights of employers. For this reason, they called them idlers. In the popular theaters of Rome, plays were performed in which the Palestinians and their day of rest were caricatured.» (Jellinek 1882, p. 36.)

In the time of the Second Temple, there were no Hebrew slaves at all. When the celebration of the Jubilee became impossible after the destruction of the First

Temple, it was no longer permissible to buy or sell a Hebrew slave, even if for only six years (cf. Arakhin, 8:7–9:1 [Fol. 29]). Herod had to sell the thieves into foreign slavery, because the sale of Hebrew slaves in Palestine was considered an unlawful act. Even the quasi-slavery that existed when the First Temple in Palestine was destroyed was later frowned upon. Thus Rabbi Moses Isserles says:

«It is forbidden for a worker or a teacher or a scribe to hire himself out for three years in a manner that commits him to remaining in the owner's house for the entire time. – If the worker, forced to work all day and having already received the money in advance for the work to be delivered, stops working around noon and refuses to continue, the employer may by no means force him to finish the work. Even if the worker is currently unable to repay the employer the wages already received. He remains his debtor for the time being, but he cannot be forced to work.» (Cf. Bava Metzia Fol. 10a)

Regarding the payment of wages, the Talmud says the following: «He who withholds wages from the worker or craftsman is guilty of fivefold sin» (Bava Metzia 9:12 [Fol. 111]). «It is as though he takes his soul from him. For he sets his soul upon it and carries his desire for them» (Bava Metzia 9:12 [Fol. 112] | Sefaria 2021b).

Concerning the treatment of the worker, there are the following provisions:

«Do not shame him (the worker) with words, never be angry with him, listen to his reasoning, speak to him gently and calmly; hardhearted and cruel may the idolaters be, the descendants of the patriarchs should sympathize, empathize, like God, who has mercy on all His creatures.—The employer cannot force the worker to begin his work early and stop late in the evening, if this is not customary in a place.» (Bava Metzia 7:1 [Fol. 83a])

Maimonides says of workers:

«Do not make the yoke too heavy on the slave, do not embitter his life, put him on an equal footing with the other members of the household in diet, do not to treat him disdainfully either in actions or in words, for he is there for work, not for contempt.»

And in the Kiddushin 1:2 [Fol. 20a], it says:

«He who takes in a worker shall not forget that he must associate with him or her in the manner of a brother or sister; he must put them on an equal

footing with himself in respect of food, drink, clothing, and housing in such a way that it is not permitted, if the master is consuming his fine bread, to serve black bread to the worker; if the master is drinking good, aged wine, to put a worse one before the worker; if the master sleeps on soft beds and cushions, to merely lay a straw mattress upon the worker's bed or to discriminate against him in a similar way within the home.»

The following account is also significant in this context:

«A colleague said to Rav Huna: 'You are a pious and strictly righteous man. There is only one offense that you are not absolved of: at the grape harvest, so we've heard, you did not give your sharecropper the share of the vines that was legally due to him.' 'Why should I give him vines, when there is no doubt that he steals more from me than I was obliged to give him?' was Rav Huna's answer. 'And on the mere suspicion that the sharecropper is stealing from you, do you think you can allow yourself to steal from the sharecropper?' A proverb says: One who steals from a thief also has a taste of theft.»

W. Sombart's *The Jews and Modern Capitalism* (1911) cannot be dealt with in detail in the present work. Elsewhere we will return to the economic-historical question of the actual participation of the Jews in the spread of capitalism in certain epochs. Here, however, it would be interesting to see how Sombart arrived at the conclusion that the Jewish religion is particularly related to the spirit of capitalism, and that it is not only related to Puritanism, but it is in fact Puritanism itself. Clearly, Sombart is concerned with proving the thoroughly traditionalistic character of Judaism and its inherent tendency to take pleasure in possession. But he disregards precisely what Max Weber considers typical of the «spirit of capitalism»: the spirit of time is money, haste, professional ethics, non-contemplation. Moreover, Sombart overlooks the fact that, as Max Weber (1920, p. 62) has emphatically pointed out, «rationalism» is not yet «capitalism» (just as the joy of possession is not synonymous with capitalism). Capitalism is characterized more by its devotion to vocational work, which is so irrational from the standpoint of eudemonistic self-interest.

In his book on capitalism, Sombart also loses sight of his own remarks on the economic particularity of foreigners who, as he puts it, unable to influence the politics of the state, develop economic activity and expansion to an excessive degree. He adds that in the case of the Jews in the Middle Ages, their entire physical existence was based on the possession of money, which offered them the only means of protection against persecution. With money they could, for example, buy the freedom of all Jewish prisoners. Moreover,

that the Jews were involved primarily in monetary transactions was essentially due to the fact that they were all but denied any other professional options. Finally, there is a completely different reason that has nothing to do with capitalism: money was easy to transport and therefore the safest possession in the event of persecution. Many Rabbinic scholars, for example, engaged in monetary transactions because this cost the least amount of time and thus left them leisure for prayer and study.

Sombart's methodical approach is completely wrong when he calls the rabbis of 19th century Germany as chief witnesses to support his assertions. These rabbis do not represent the Jewish religion; rather, they are identified with capitalist culture. To go beyond Talmudic Judaism in terms of time, it is necessary to look at the Jewish masses of the East that have not yet been seized by capitalist culture. Here, Sombart could have stated that it does not make sense to speak of a culture of work or anything similar: the young man marries at an early age, studies the Talmud, eats at his father-in-law's house; his wife contributes financially to some extent, he does not have a fixed job, he does this today and that tomorrow and he does it only to cover his most urgent needs.

Judaism could by no means arrive at the idea of a «sanctification of vocation,» because it had created a positive normative system that embraced and shaped the whole of life, and which independently fulfilled the task of world sanctification. Instead of «inner-worldly asceticism» there is «active sanctification of the world.» When Sombart says that that rationalism is characteristic of Judaism, it is also fundamentally wrong, and it is false regardless of whether Judaism is capitalist or not. Sombart completely disregards the line beginning with the prophets that passes through the Mishnah and the Kabbalah to Hasidism. And this line is anything but rationalistic.

Max Weber demonstrates that he understood the profound difference between Judaism and Puritanism when he writes:

«The Jews stood on the side of the politically and speculatively oriented adventurous capitalism; their ethos was, in a word, that of pariah-capitalism. But Puritanism carried the ethos of the rational organization of capital and labor. It took over from the Jewish ethic only what was adapted to this purpose.»
(M. Weber [1905] 1992, p. 111.)

The great role that the Jews played in the wholesale trade of the Islamic Empire is confirmed everywhere in the relevant literature of world history. Probably the most detailed account was laid out by W. Heyd in his *History of the Levantine Trade in the Middle Ages*:

«But Abulpharagius shows that a community already existed for a mosque in Constantinople by telling of an uprising that was instigated there only a few years earlier (1044) by plundering foreigners, Armenians, Jews, and Arabs. These Arabs had undoubtedly been led to the Greek capital by commercial interests.» (Heyd 1879b, p. 59.)

The Jews «were therefore not subject to any suspicion as they went back and forth with their goods between warring nations, and acquired great treasures without taking on any risk of their own» (Heyd 1879b, p. 139).

«The most positive testimony to how Jews as wholesalers traveled almost the entire world known at the time is found in an interesting passage by Ibn Khordadbeh. In his day—that is, around the middle of the 9th century—Jewish merchants used to travel all the way from the Land of the Franks to China, partly by sea and partly by land. If they had boarded a ship in Franconia, they would land at Farama in Egypt, cross the Isthmus of Suez in five days, set sail again at Kolzum, and sail through the Red Sea past the stations of al-Jar (the port of Medina) and Jeddah (the port of Mecca) into the Indian Ocean. On other occasions, they entered the Asian continent at the mouth of the Orontes, then traveled via Antioch (and Aleppo) to the Euphrates, following its course to Baghdad; from there they reached the Indian Ocean via the Tigris and the Persian Gulf. But whichever way they chose, their goal was to reach the land of the Indus estuaries, India, and ultimately China. The return journey was done in the same way, with the difference that not all of them returned to the Land of the Franks: some merely brought their goods to Constantinople. In addition to the two routes described above, where the greater part of the journey was made by ship, two other routes were also common in which the overland journey predominated. From France and Spain, they crossed the Strait of Gibraltar, passed through the whole of Africa, Syria, Babylonia, the southern provinces of Persia, Fars, and Kerman, and in this way reached India and China. Or they traveled through Germany and the Slavic countries to the city of the Khazars (Itil, above the mouth of the Volga), sailed across the Caspian Sea, touched down in Balkh on the onward journey and from there reached China through Transoxiana and the lands of the Toghuzghuz (Uyghurs). From the notes of the well-informed Arab postmaster general, we learn with astonishment about no fewer than four routes on which merchants would travel between Western Europe and Eastern Asia, and this at a time when the scant reports from Western sources would only allow us to assume a very sporadic commerce between the two continents.

Ibn Khordadbeh also tells us about the goods that were transported on

these routes by the Jewish merchants: from the Occident to the Orient they brought eunuchs, slaves of both sexes, silk (this could only have come from the Byzantine Empire), fur, and sabers; from the Orient to the Occident they transported musk, aloe, camphor, cinnamon, and other such products. Unfortunately, the homeland of the Jews, who were able to visit so many countries and also understand their languages, still remains a mystery to us. Ibn Khordadbeh relays an epithet rendered by Barbier de Meynard, in his French translation, as «Radanites,» which seemed to be an indication of their origin; there really was a region east of the Tigris called Radan; we also know that there were strong Jewish communities on the eastern tributaries of the aforementioned river.» (Heyd 1879b, pp. 140 f.)

«All these conditions of the commercial upswing converged at the time when the first Abbasids occupied the throne of the Caliphs. The Abbasids themselves promoted trade, partly indirectly through the splendor of their court, partly directly by laying out roads, but especially by founding at the center of the empire a city [Baghdad] that, due to its excellent location, was also predestined to be an emporium of the first order. [...] There is no doubt that the flourishing of Baghdad and the luxury of the Abbasids led to a hitherto unimagined boom in maritime trade.» (Heyd 1879b, 31 f.)

Excursus II:

The Christian concept of revelation and the understanding of the «divinity» of the Torah in Judaism

What is the nature of the relationship between the Torah as the book revealed by God, the people understood as a succession of generations for whom this book is binding, and the oral tradition that—historically speaking—was created by this people, and that—religiously speaking—is itself perceived by them as a religious revelation?

What does the term «divinity» of the Torah mean? According to Neo-Orthodox theology (cf. especially the writings of Samson Raphael Hirsch, 1808–1888), which formulated and dogmatized this concept, the divinity of the Torah means that the Torah was given to Moses at a particular moment in history. Its holiness and binding nature are based on this formal moment of authorship and delivery of the book by God. This event is referred to with a concept foreign to the Hebrew language and borrowed from Christian theology: «revelation.»

The Christian-rooted concept of revelation implies two things:

- 1) The divinity of the book does not lie in its content, but rather has its foundation in the author and the deliverer. It can therefore never become evident—that is, reality—for the individual who was not present at the historical moment of formulation and delivery, but it must be believed.
- 2) Since the holiness of the book is based on the formal moment of delivery by God as well as His authorship, it follows that every single provision of the Torah is sacrosanct and immutable in its content.

Both implications have been endorsed by the Orthodoxy, but both are also in stark contradiction to historical Judaism. The contrast to the first aspect is probably most clearly expressed in the words of the Midrashim that speak of all future generations having already been present on Mount Sinai. This means that every generation is meant to experience the revelation itself as reality, or that all Jews should think of themselves as having personally been liberated from Egypt. One should therefore not believe in the divinity of the Torah as a historical event, but rather feel and recognize the divinity as a metaphysical reality. The concept of the historical moment in time is completely alien to Judaism. Abraham [who lived on Sinai long before the delivery of the Law], for example, kept the Law in its entirety. So when the Midrash observes that the angels' visit to Abraham [Genesis 18] took place on the Feast of Passover—that is, the feast of deliverance from Egypt—it is expressing a very common idea; likewise when it imagines that King David—studying the Talmud—is present in the houses of learning.

In accordance with this understanding, the Midrash also says that any novel idea a young disciple will ever come up with in terms of legal provisions was already given to Moses on Mount Sinai. The Talmud also expresses this principle theoretically when it says that there is neither a before nor an after in the Torah, that is, no chronological order, and when it moves individual lines from the Torah to another location.

In this context, we must also point out how irrelevant the problematic of biblical criticism is to «rational» Judaism, since this biblical criticism proceeds entirely from Christian categories. For Christianity, both the figure of Jesus and the fact that he appeared at a specific moment are constitutive. For Judaism, the person of Moses is completely irrelevant. Jesus ascends to heaven, but the tomb of Moses remains unmarked so that he is not unduly venerated, as the Midrash says. The Talmud is indifferent to temporal order and authorship to such an extent that it recognizes ten authors of the Psalms. And it is telling that the Jewish calendar does not begin with the foundation of religion—that

is, with Moses or Abraham—but rather with the creation of the world and of man. Judaism distinguishes within history not according to time, but according to the closeness to God in every people and every place.

The second implication of the concept of revelation, the immutability of the word of the Bible, has no parallel in the ideas of historical Judaism either. In fact, historical Judaism actually changed the content of important precepts in the Torah. For example, the legal system of the Torah recognizes the death penalty and prescribes it for many offenses. But Rabbi Akiva and Rabbi Tarfon say, «If we sat in court, no one would ever be executed»; that is, they are opposed to the death penalty. Their theoretical view became so widely accepted in practice that a court that has sentenced even one person to death in seventy years is called a murderous court in the Talmud.

The taking of interest, which the Torah forbids, is permitted by Hillel. The sacrificial service, which is reflected in the most important laws of the Torah, is completely removed from Judaism; as a result, the priests, as bearers of the sacrificial service, also lose their significance. And both [the decline of the sacrificial service and priesthood] are not only a consequence of historical events, because priesthood and temple service were also overridden from within. The Talmud and the Midrashim abound in statements like these: «God's step in Egypt brought salvation, but the incense of Moses and Aaron did not.»— «God prefers the gifts of the poor to the incense of the priests.»— «A man born of a forbidden marriage who is a scholar takes precedence over the high priest who is an ignoramus.»

The following impartation from the Talmud is also illuminating: if one priest kills another in the Temple, the father of the murdered priest should immediately check whether his son is still alive, because the knife becomes unclean when it has come into contact with a corpse. With macabre irony, it is said that the purity of implements was of more concern to them than the shedding of blood. Already at the time of the Second Temple, the priesthood had succumbed to Phariseism, which advocated for the principle that leadership acquired through knowledge [Wissen] was preferable to inherited leadership. The struggle between the Pharisees and Sadducees reflects the struggle between these two principles. It was decided from within Judaism as the Pharisees rose to be great leaders of the people; it was sealed from without with the destruction of the Second Temple and the relocation of the Jewish center to the house of learning in Jamnia under the leadership of the Pharisee Yohanan ben Zakkai.

Another example of change in the Torah involves the levirate marriage—a universal provision in the Bible—and non-compliance therewith, which is permitted only in exceptional cases. Rabbi Gershom, however, forbids it to

everyone. These are just a few of many examples; they may suffice to show that a great number of provisions of the Bible have been completely changed in their content, and in some cases have even been turned into their opposite.

If the concept of revelation proposed by Christian doctrine does not lend itself to explaining the meaning of the «divinity» of the Torah, how can we describe it in a positive sense? «Divinity» of the Torah means that all individual provisions of the Torah have meaning and significance solely through their relationship to the Divine, and that they can and must be considered only in their totality and in their relation to the sphere of the Divine. Any consideration of individual laws only in relation to any one sphere—rational, social, hygienic, etc.—is contrary to the idea of the divinity of the Torah. It is true that individual laws also have repercussions in these spheres, they must not be not be adopted and affirmed with reference to them.

There is no evidence for the divinity of the Torah in the sense defined here; it can only be understood from the evidence and reality of recognizing its unity (according to the reference, not the author) and its divinity, that is, its unified reference to the sphere of the divine. It is not a question here of a belief in statements about a historical moment, but of a current reference. The affirmation that all generations were present at Sinai acquires meaning and significance here.

When it is said, «At first our fathers were idol worshippers, and then once the miracle occurred they were led from bondage to freedom and encountered God,» then «once» does not mean «all at once» or «at a certain time,» but rather that from that moment on, all of their creative actions grew out of the realm of the divine. The Law is not something absolute; it has not been given to the angels, but rather to men, so that they may purify themselves with it. It will be abolished in the Messianic Age. The content therefore changes with the changes in the people to whom it is given. So for a certain stage of maturity and for the knowledge [Erkenntnis] of the people, the standardization of the death penalty, for example, may be necessary and thus stems from the realm of the divine, as for another stage its abolition. The same applies to the content of other provisions.

The divinity of the precepts of the Torah is not guaranteed by author and moment of origin—even Rabbinic commandments are called divine commandments!—but only by their relatedness to the divine, which classifies them as part of the Law as a totality, itself both released from and originating within the divine sphere. Therefore, any legal prescriptions [responsa] written by any students, at any time, were already given to Moses on Mount Sinai, for Moses had already received the entire Oral Law there.

Where does a new or changed legal provision derive its legitimacy from? What is the principle of the development of the Law?

Every new law, under very specific conditions, is authenticated as having come from the sphere of the divine by the fact that the people have been bearers of the divine spirit since the «encounter» with God, and all of their creation cannot but originate from this encounter with divinity from then on. Having encountered God, the people are necessarily and forever the bearers of the divine. The idea of the divinity of post-biblical law, like that of the unity of traditions—regardless of the objective moment of origin and the author—can only be explained by the fact that the encounter had as its subject a living and vital people.

To support this first, content-related principle, a second, formal one is used that regulates the conditions under which change and development are allowed. Formally, every [new or changed] law must be linked to a line in the Torah. It is therefore not a matter of a connection in terms of content, but only in terms of form, and often this is in contrast to the content. Thus it happens that words and laws in the Torah are torn from their context and used to formally link a provision that conflicts with the content of the original passage taken in its entirety. This principle of formally linking with the Torah is an expression of the primary principle: the divine spirit is merely the form of all laws of the Bible, and only this form is absolute and immutable. But this formal principle also serves as a guarantor for the reliability of the regulations and for their development, and prevents the danger of succumbing to the spirit of wholly alien prescriptions that disturb the totality and unity. Against this background, we can better understand the traditional stipulation that the rules of interpretation—with whose help all changes are made (Strack 1908, pp. 119 ff.) and on the basis of which the Torah is interpreted—were already given to Moses at Sinai: the interpretation and modification of the Law may only and must always take place in the spirit of that greatest encounter. Whatever is borne of this spirit by the people, and renewed and changed while respecting those formal conditions must be considered legitimate. Undertaking, modifying, and renewing developments of the Torah is not reserved for the priests, but only for an authoritative council of Rabbinic scholars [Rabbinen] who, through their knowledge [Wissen], have penetrated into the spirit of the whole most deeply and are conscious of its unity.

From what we have said here, it follows that formal conservatism does not at all lead to a content-related rigidity; on the contrary, it is only through formal conservatism that content can be changed. We find an example of this in the character of Rabbi Akiva, the strongest and most definitive founder of the principle of formal conservatism. The Midrash aptly notes that Rabbi Akiva ascribed a halacha to the crown [tag] of each letter (that is, to the ornamentalations of the written Hebrew square script). And it was this very Rabbi Akiva who was undoubtedly one of the strongest prophetic and revolutionary figures

of Rabbinism. It was he who pronounced the verdict against the death penalty (quoted above); it was he who declared the Song of Songs the holiest of the Holy Scriptures; he recognized the Messiah in Bar Kokhba, the leader of the great rebellion against the Romans.

The comparison among Karaism, the Reform [movement], and Modern Orthodoxy can also help us better understand the meaning and function of formal conservatism. Karaism denied the unity of the people, sought to be a sect, and severed the political and national ties that bound it to the whole. But this made the divinity and unity of the Bible in the sense described above impossible for it. When the people are denied as bearers of the divine spirit, when it is denied that the people's creation flows from this divine spirit, and when it is denied that the rabbis, in the name of the holy people and with due regard for the formal conditions, must determine and declare binding changes in the Law for the whole people at a given time, then the Law ceases to be something living: it becomes rigid, and the oral tradition no longer carries the same legitimacy. The consequence is that the content of the Bible is declared immutable and sacrosanct and, as described above, it is declared to be divinely revealed. The divinity of the Bible as well as the oral tradition is no longer in the present; instead, it is replaced by faith in a historical fact, and the divinity of the Bible becomes dogma. In Karaism, the connection between the abandonment of the unity of the people, and the exclusive recognition of the word of the Bible in terms of content with the inevitable consequence of dogma formation, becomes particularly clear.

With modern Western Orthodoxy, things are not fundamentally different. Whereas Karaism rejected national unity in an epoch of strong flourishing national life, Modern Orthodoxy is characterized by a historical situation in which—for reasons we will not be examining here—the national unity of the people had been weakening to an extraordinary degree since the middle of the 19th century. And with this weakening, the people lost their metaphysical function as the bearer of revelation and legitimate continuators of the Law. The Reform movement could not escape the fate of Karaism: it had to deny the possibility of development and introduce the concept of revelation outlined above. Karaism thus found itself in a situation of lively national life, one that felt natural to the people, and consequently only had to recognize the holiness of the twenty-four books of the Holy Scriptures (but typically going beyond the Torah as a halachic source), while Orthodoxy regards the whole work of Rabbinism as sacred and historicizes it as really having been given at Sinai. This is admittedly only a difference of degree, not of principle, because for both of them there is no longer a people that would be a living bearer of revelation and who would ensure the possibility of the development of the Law.

The attitude of the Reform movement is similar to that of Orthodoxy. For the Reform movement, too, the concept of the people as the living bearer of the revelation is absent; for them, too, the Bible is holy by virtue of the historical fact of the revelation. But because the Reform movement largely rejects the practical consequences of the Law for reasons beyond the religious sphere, it is forced to adopt an individualistic system of selection without any principles, which makes its position even weaker than that of Neo-Orthodoxy.

II.

Karaim

1. The historical context

Before we proceed to the structural analysis of Karaism, let us take a brief look at its history according to the current state of research. (See in particular the excellent exposition of the history of Karaism in the *Realenzyklopädie für Protestantische Theologie und Kirche [Encyclopedia of Religious Knowledge]* by Schaff–Herzog, Vol. X, pp. 54 ff.) The founder of the Karaite sect (= Children of Scripture [B'nai Mikra], from *kara* = [he] read) was Anan ben David, who, in 761 CE—at the time of the caliphate of Abu Ja'far al-Mansur—came into conflict with his brother over the appointment to the dignity of the exilarch. When he failed to usurp the exilarchate, he founded a new sect. He was condemned by the caliph for this rebellion, and was only able to save himself by pretending that his religion was entirely different from that of Rabbinic Judaism—specifically, by demonstrating that his calculation of the new moon corresponded not to that of Rabbinic Judaism, but rather to that of Islam. [For an examination of the Karaite movement, see Erder 2004, pp. 319–324.]

The following statement attributed to Anan ben David may not have been formulated exactly as it is here, nor with the same level of concision; nevertheless, it accurately expresses his anti-Rabbinic orientation: «Search thoroughly in the Torah!» He and his followers were banished (Fürst 1862, p. 59) and excluded from the circle of Judaism. The Karaites, for their part, renounced the Rabbanites [the followers of the Rabbinic tradition]; later on in the present work, we will discuss their gradual separation from the Jewish community.

Anan ben David composed the *Sefer Hamitzvot [Book of Precepts]*, a codification of all the laws he recognized as valid; he also wrote a commentary on the Pentateuch and, lastly, the work *Fadlaka* [«Summa»], which was probably a collection of dogmas [or a summary of the *Sefer Hamitzvot*]. Of his works, only larger contiguous summary passages from the *Sefer Hamitzvot*, segments from various other writings, and quotations of his works in those by later writers have survived.

The most eminent successor of Anan ben David was Benjamin ben Moses Nahawandi (circa 830 [CE] to 860 [CE]). Nahawandi emphasized above all the

immateriality of God and the abnegation of divine anthropomorphism, beliefs already supported before him by the Persian Judah Judghan in accordance with the Mohammedan school of Mu'tazila (A. Neubauer 1866). According to Nahawandi, God is too sublime to reveal himself directly to man—so sublime, in fact, that the revelation was actually carried out by an angel, and it is also this angel who did all that the Torah attributes to God. Of his written works, only the *Sefer ha-Dinim* [*Book of Rulings*] has survived; the rest of his writings (commentaries on various Bible scriptures and a *Sefer Hamitzvot*) we know only through citations in the works of other authors. Nahawandi was the first Karaite author to write in the Hebrew language. He further developed the theology of Karaism, but no longer held the hostile and hateful stance towards Rabbinism that his predecessor Anan had.

In the 10th century, Karaism spread rapidly. From Palestine, where it had already established itself, it expanded to Greece and Spain. During this period, the Karaite communities in Persia and Babylonia lost their importance. The Karaites in Jerusalem formed a special group: they called themselves *Avelei Tziyon* [«Mourners of Zion»] and were characterized by their rigid asceticism. One of their most important scholars was Nissi ben Noah (c. 850 CE), who wrote a work on religious duties.

Karaism reached its intellectual peak in the 10th and 11th centuries, at a time when it had to confront the attacks of Saadia Gaon (892–942 CE), its fiercest adversary among the ranks of Rabbinism. In his *Book of Refutation* and *Book of Distinction*, Saadia examines the controversial points between Karaism and Rabbinism, and attacks the Karaites as vehemently as does in his religious-philosophical work entitled *The Book of Beliefs and Opinions*.

The Karaites defended themselves against these attacks with the same vigor. Solomon ben Jeroham repudiated Saadia's arguments in his book *Milhamoth ha-Shem* [*Book of the Wars of the Lord*] and in his commentary on some books of the Bible. Other defenders of Karaism include Sahl ben Matzliah (circa 950 CE), whose Hebrew grammar has unfortunately been lost, and Yefet ben Ali (circa 915–1008 CE), from whom we have received parts of his Pentateuch commentary as well as commentaries on Isaiah, Jeremiah, the minor prophets, the Psalms, and the words of Job and Daniel.

In the first half of the 10th century, a Karaite philosophy emerged that at its core was affiliated with the Mohammedan school of *mutakallimūn* [masters of the word], which aimed to give a rational foundation to the [Islamic] tenets of faith. The Mu'tazilites, a Mohammedan sect, were particularly influential on the Karaites, who replaced the literalism of Palestinian Orthodoxy concerning the doctrine of predestination, the teaching of the attributes of God, and the understanding of revelation with rational formulations of dogma. *The Book*

of *Trial and the Justification of the Divine Judgment* by Joseph ben Abraham al-Basir was especially influenced by the Mu'tazilites.

Finally, we must mention an exponent of the more ascetic-mystical direction of Karaism: Judah Hadassi (1075–1160). His Hebrew work *Eshkol Ha-Kofer*, which is written in an extraordinarily ponderous manner, is a testament to the law and ideology of this branch of Karaism.

In the 12th century, Karaism began to decline, and no longer produced significant people or works. The Karaite sect was still present mainly in Lithuania, Poland, and on the island of Crimea, where the Karaites lived peacefully alongside the Rabbanites, bearing with them the common suffering and oppression by the foreign rulers. When, in 19th century, the descendants of the Karaites obtained equal civil rights in Russia, they were quickly prepared to renounce anything they had in common with the Jews—and they achieved what they wanted. The newfound equal legal status led to a rapid improvement in their economic situation: they became rich tobacco manufacturers who were also gradually able to afford the luxury of intellectual life once again. Although they were no longer able to produce their own creative scholars, they were at least able to open their own printing house in which they printed their literature. They also gave to scholarship a man, A. [Abraham] Firkovich, who, by extensively forging gravestones and documents, put obstacles in the way of academic research into Karaism into which a number of authors have stumbled.

2. The economic causes of the emergence of Karaism

a) The economic, political, and cultural situation at the time of the emergence of Karaism

To understand the reasons behind the emergence of Karaism, we must consider the economic, political, and cultural situation of Babylonian Judaism that preceded and accompanied it. Only once we have studied the economic foundations for the emergence of the sect will we proceed to the analysis of its socio-religious structure.

What was the larger context for Judaism at the time of the emergence of Karaism? The Jews had inhabited the land [of Babylonia] for centuries, occupying a fairly uniform territory. Even after the destruction of the First Temple [587/586 BCE], Babylonia remained a stronghold of Jewish tradition and culture. And even when Palestine was the center of the people and their culture—until the suppression of the last Jewish rebellion in around the mid-3rd century [CE]—an ancient national and cultural tradition was alive in Babylonia.

There, between 200 CE and 500 CE, arose the Babylonian Talmud (Strack 1908), which contains the Mishnah (the extra-biblical law, the first codification of «Oral Law») and a summary of the discussions on the Mishnah. In the houses of learning of Sura [Rav Huna], Pumbedita [Rabbi Joseph ben Hiyya], and Nehardea, the nation's most eminent leaders lectured before thousands of students from all social classes. The schools in Palestine lost their prestige as the scholars emigrated to Babylonia, with the result that the Babylonian period of [post-biblical] Judaism became a cultural golden age for the Jewish people.

The absolute autonomy of the Jews of Babylonia within their national culture was reflected in the legal situation, which also guaranteed them full political autonomy. The external political representative of this autonomy was the exilarch, who was also a high official of the new Persian Empire. The representatives of intellectual life, on the other hand, were the heads of the great houses of learning. The jurisdiction was entirely in Jewish hands. Every Jew was subject to Talmudic law.

The Talmudic law of the Babylonian period can be understood as a reflection of the economic situation at the time; for our forthcoming arguments, it will be necessary to first describe this situation. (See Funk 1902 and 1908; Caro 1908; Herzfeld 1879; Schipper 1907.)

The Jews of Palestine and Babylonia were primarily landowners, crop farmers, artisans, and small traders by profession. They did not, however, engage in wholesale trade (Caro 1908, p. 29). Their conservative nature was manifested above all in their aversion to the freedom of movement and the movement associated with trade. They knew only too well that when traveling to foreign countries, one was more exposed to the temptation to go astray than one was at home, where life unfolded before the eyes of friends and relatives. They also knew that the trading merchant was also more likely than the farmer to be in a position to take advantage of his fellow men (see Funk 1902, and Kiddushin 4:14 [Fol. 82a]).

It was not only the common people who practiced agriculture: the Rabbinic Sages [Rabbinen], too, owned and cultivated large expanses of land. The Rabbinic schools were therefore familiar with many regulations related to field work. It is also worth noting, however, that when political pressure and increasing insecurity led to the decline of agriculture and an increase in poverty among farmers, it also led to decline and poverty among the Rabbinic Sages to the same extent.

The Talmud is full of praise not only for the farmer, but also for the craftsman. The biblical instruction that one should «choose life» [Deuteronomy 30:19] was related to the craft one should choose. He who does not teach his son a craft, teaches him eo ipso a robber's craft. And he who practices a craft

is like a vineyard that has a protective wall, or a pit that has a parapet. This proverb from Babylonia is also indicative: «The famine may last seven years, but it does not come to the door of the craftsman» (cf. Taanit 3:1–9 [Fol. 23a]).

In contrast to its position on agriculture and craft, the Talmud is more skeptical about trade. We find Rabbinic sayings and provisions that oppose free trade. According to these sayings, one should have little to do with trade at all; or in Palestine, one should not be allowed to engage in any profitable trade involving goods on which life depends—for example, wine and oil—let alone take them abroad.

Until our time, wholesale trade—especially overseas trade—was frowned upon. Money earned from trading with the coastal provinces was considered cursed: it could not be considered a source of blessing because, it was said, it is not permissible to tempt God (cf. Krauss 1911, p. 354). Thus it came to the point that even the import of essential goods from overseas was carried out not by Jews, but rather by foreign traders, especially Phoenician and Greek traders. If one accompanies a caravan, the Rabbinic Sages teach, this individual should conclude business as quickly as possible in order to rid themselves of the wandering behavior as quickly as possible. The traders themselves were considered mercenary and unlearned. The economic status corresponded to the legal one: Talmudic law did not yet recognize any larger-scale credit transactions of the kind required for any sort of wholesale trade. After his death, the debtor was liable only with his movable property, but not with his real estate.

Within the economic structure described above, the Jews were completely adapted to the economic and political conditions of Babylonia. But in 636 CE, with the Arabs' destruction of the new Persian Empire, this political situation was sweepingly overturned. With giant strides, Islam set about conquering the world. After the conquest of Babylonia, the Arabs took over Palestine (637 CE), then Egypt and Syria (657 CE); towards the end of the 7th century, they claimed all of North Africa, and in 711 [CE], they destroyed the Visigothic Kingdom at the battle of Wadi Bekka (Rio Barbate) [in Spain], with the result that the entire Iberian peninsula, save for a small patch in the north, fell into their possession. In less than 100 years, they had created a unified world empire that stretched without interruption from Babylonia to Spain.

With the foundation of this world empire and the integration of Babylonia, entirely new economic developments immediately appeared that were particularly evident in the wholesale trade that spanned the entire empire. Up until this point, economic conditions pushing the Jews toward wholesale trade had been lacking, and the Jews had not, as we discussed above, been active in this realm; but now there were new incentives and new opportunities. Slowly and gradually, a large capitalist class formed in Babylonia comprising those

engaged in monetary transactions, and for whom wholesaling now offered excellent opportunities for investment and income.

Babylonian Jewry, however, whose legal and political autonomy was consolidated rather than infringed upon by the Arabs, was unable to keep pace with this new economic trend, since its Law was geared toward completely different economic conditions. The Law had to undergo a reorganization in order to meet the new demands of the economy. The readjustment was concretely carried out in 781 CE. Within the framework of civil law, the Gaonate issued new provisions that indicated a change in the economic structure among the Babylonian Jews. These new decrees functioned above all to create the legal basis for credit transactions and to abolish the aforementioned sole liability with movables in favor of including real estate as well. Even H. Graetz, who usually overlooks economic backgrounds of legal and religious developments, remarks on this too-obvious process:

«It seems that this decree arose from the needs of the time following the changes in the ownership situation among the Jews in the caliphate. Until then, landowners, crop farmers, and cattle breeders, they began to devote themselves more to trade, favored by the considerable expansion of the Islamic Empire from India to the Pillars of Hercules.» (Graetz 1871, p. 186.)

By 711 [CE], the foundation of the Islamic world empire was finished. The new trend toward wholesale trade must have taken hold quickly in Babylonian Judaism, because by 787 [CE], the Gaonate had already taken it into account in the new civil legal system.

Before the new regulations came into force in 787 CE, the pioneers of the new economic trend that had begun in the mid-8th century must have felt heavily bound by Talmudic law. At first, presumably only a small upper class wanted to bust open the legal shackles, while the Jewry as a whole was only gradually liberating itself from them. Because the Babylonian Jews had enjoyed legal and political autonomy, it was not possible for them to flout the Jewish Law, as they were subject only to the Jewish tribunal, which could—if necessary—involve the state authority to enforce its verdicts. Those who violated Jewish Law automatically excluded themselves from the sphere of authority of Jewish autonomy and its representative, the exilarch.

If the Jewish upper class wanted to escape the provisions of Jewish Law, it had to withdraw from the national unity altogether. Since the Arab rulers did not readily permit this withdrawal either, this group required a specific ideology demonstrating that it was not wantonness that drove them out of the realm of Jewish autocracy; rather, the secessionists had to appear as a group that

differed profoundly from the majority of Jews in fundamental respects. The desired political-legal breakaway and liberation from the shackles of Jewish autonomy was achieved through the invention of a special religious ideology and the founding of a new religious sect. The new group did not seek to separate itself completely from Judaism itself or from its principles, but it defended the importance of liberating itself from all those legal-political shackles and removing all obstacles that stood in the way of the new push toward large-scale trade. The national unity was still too great, and its ties still too strong, for a complete detachment.

b) The economic context for the emergence of the Karaite sect

So far, we have attempted to show in which way the economic, legal, and political situation of Babylonian Jewry in the 8th century made the formation of a new Jewish sect possible, even probable and necessary. In the following, we will begin by showing that, and to what extent, the economic, political, and cultural situation in the mid-8th century that was supposedly favorable to the formation of a sect did in fact apply to the emergence of the Karaite sect. Our investigation here suffers from a two-part deficiency that forces us to draw some indirect conclusions: firstly, we are largely lacking in information about the professions and economic activities of the Karaites, which alone would allow us to draw direct conclusions about their economic situation; and secondly, the early writings and law-books of the Karaites that have been passed down to us are exceptionally incomplete and imperfect, so much so that we cannot determine to what extent their first juridical and religious-legal decrees were the expression of a certain economic trend. In spite of this two-part deficiency, the following will attempt to illustrate the economic context in which the Karaite sect was formed.

If Karaism had truly been a religious sect, one born from the desire to counter the religious principles of Rabbinic Judaism with a new—and likewise autonomous—principle in the sphere of religion, its emergence would have been marked first and foremost with the proclamation of this principle. Instead, the opposite occurred: specifically, what we generally assume would have happened if this shift had been a secession primarily resulting from economic circumstances. The secession had a political cause, and primarily only a political-legal consequence.

Anan, the brother of the exilarch [Hanahiah] appointed by Caliph Abu Ja'far al-Mansur, had proclaimed himself the anti-exilarch: that is, he had attempted a political secession in an effort to break the shackles that the unified

exilarchate signified for all Babylonian Jewry. It was only when the caliph had him imprisoned for this rebellious action—a measure justified by the fact that his actions were also an offense against the Babylonian state, since the entire state guaranteed and protected Jewish autonomy—that Anan, in order to outwardly justify his actions, was forced to advance a new ideology by declaring that his Judaism was different from that of his brother, the exilarch. Asked by the caliph what the main difference was, Anan replied with, among other things, the telling remark that his religious followers did not base their observations on the Rabbinic calendar (a calendar predetermined mathematically) but on that of the Mohammedans, who oriented their calendar around the full moon.

It is therefore evident that Anan's founding of the sect was initially based primarily on a purely political circumstance, and not, in fact, on a religious one. Later, the ideological separation from Rabbinic Judaism would be carried out much more decisively—so much so that latter Karaites accused Anan himself of having been a follower of the Mishnah and Talmud (Neubauer 1866, p. 6). In the *Jewish Encyclopedia*, A. Harkavy describes Anan thusly: «His *Sefer ha-Mizwot* [*The Book of the Precepts*] (...) betrays very clearly that its author was anything but an original genius. He simply appropriated interpretational deviations, already existing, and ancient doctrinal differences» (Harkavy 1901, p. 554).

A second argument for the hypothesis that the emergence of Karaism is to be understood primarily against the economic background is the rapid spread of the sect, the swiftness of which attracted the attention of all authors (see, for example, Fürst 1862, p. 122). In the 9th century—that is, approximately 50 years after the sect's emergence—we already find complete Karaite communities, not only in Baghdad and Jerusalem, but also in Iran, Persia, Media, Armenia, Syria, Egypt, and North Africa; not much later, there are Karaites in Spain as well. Such extensive journeys can only be explained and understood if one assumes that the Karaites made these journeys for business reasons. Wherever they went, they founded Karaite cooperatives and supplied their comrades in foreign countries with aid and perhaps even credit and other economic advantages. L. Herzfeld (1879, p. 218) also holds the view that all Jewish migrations of that time were for reasons of trade.

If the Karaites were a class of wholesalers who traveled frequently, and occasionally among people of other faiths, then it can also be assumed that they had an incentive to adapt to their surroundings as seamlessly as possible and to conceal all conspicuous religious and national differences. This tendency to adapt had been evident ever since Anan founded the sect (in that case, to adapt to Islam). A. Harkavy also views Anan in this manner:

«Moreover, Anan won for himself the special favor of the calif by his protestations of deep veneration for Mohammed as the prophet of the Arab nation and of the world of Islam, and by the declaration that his new religion, in many points, entirely coincided with the Mohammedan; instancing the fact that the setting of the festivals was not decided by the astronomical calculations of a calendar—as with the Rabbinic Jews—but by the actual observation of the new moon—as with the followers of Islam. In this way the prisoner, though he had already been condemned to death, succeeded in gaining not only his freedom, but also in winning the favor and the protection of the ruler and of all the Arab authorities—a circumstance which proved of the greatest assistance to this new sect, so strangely founded.» (Harkavy 1901, p. 554.)

With his [conformist] behavior, Anan traced the path that the whole of later Karaism would follow, as a rule, in its relationship to Islam; he himself had led the way. In this context, it is rather interesting that later, the Karaite community in Constantinople scheduled its general assembly not on the eve of the first Jewish month, but on the eve of the first Arab one (Jaulus 1876, pp. 73–77). As part of its efforts to style itself after Islam, Karaism resorted to Mohammedan theology, as demonstrated, among other things, by the adoption of its three methods of scriptural interpretation: logical conclusion [hekesh], scriptural wording [ketab], and consensus of the community [kibbutz]. The last method in particular seems the most illogical since, by definition, a sect has detached itself from the community; for this reason, its adoption by the Karaites in this form can only be explained as a reference to the identical principle in Islam [ijma]. The dependence on Islam can also be found at other points in the dogma. Benjamin Nahawandi (circa 800 CE), the first prominent Karaite leader after Anan, was closely associated with the Mohammedan philosophical school of the Mu'tazilites, and thus also advocated the teaching that it was not God himself, but rather one of his angels who created the world and delivered the Torah. That the Karaite dogma was closely related to the Mohammedan one was also felt by the Rabbanites of the time: the great Spanish Jewish poet Judah Halevi, for example, attributed the Karaites' tendency to individualize the Law to Mohammedan influences.

Karaism's tendency towards reconciliation and convergence can also be observed wherever the Karaites came into contact with Christianity. This pattern began with Anan, who—like most Karaite leaders later on—defended the Christian argument that the Jews had crucified Jesus unjustly (Graetz 1871, pp. 180 f.). For Anan, Jesus was a prophet, just as Mohammed was a prophet (of the Arabs). This feature of Karaism can still be found among the Karaites of the modern era. One of the main arguments with which the Karaites of

Russia sought (and obtained) emancipation before the rest of the Jews was that, unlike the other Jews, they were not present at the crucifixion of Jesus. But even this attempt at convergence with Christianity emanates from a dogmatic adaptation to Islam that, alongside blasphemy against Mohammed, also prohibits blasphemy against the prophets who preceded him, Moses and Jesus.

Typical of the anti-national character of Karaism are provisions that abolish, in whole or in part, the covenant signs of the Jewish community prescribed in the Bible. For example, the Karaites no longer used the *mezuzah*, [a little box containing] a small parchment scroll on which four passages from the Bible are written, and which is affixed to the doorposts of Jewish homes. They also wear the fringes [*tzitzit*] only during prayer, and not—as was customary among the Jews—at all times. The Karaites thus abolished both of the national insignia visible to the outside world.

The Karaites' adaptation to the environment naturally extended to the language they used. Anan wrote his dogma [summa] in Arabic, and an Egyptian Karaite composed the first prayer book in Arabic (cf. Neubauer 1866, p. 24). In contrast to the Rabbanites, the Karaites preferred the Arabic language. As a result of privileging Arabic over Hebrew, the Karaites achieved a greater popularity in Spain than the Rabbanites did. The first Arabic-language commentary on the Pentateuch was also written by a Karaite: Jeshua Aron (at the end of the 9th century).³

The 10th and 11th centuries witnessed the greatest flourishing of Karaism; by the 13th century, the sect was already on the decline. In the context of our study, it is particularly interesting to note that the intellectual decline of Karaism in the 13th century was accompanied by economic transformations within the sect. From 1200 CE onwards, there was a conspicuous shift of the Karaites into medical professions (Fürst 1865, p. 224).

The intellectual decline seems to have been caused by an economic one. The Karaites had to contend with a great deal of competition from the Jews [Rabbanites]: they were persecuted and ousted from all economic positions, and deprived of the possibility of economically maintaining a scholarly class capable of taking on the intellectual struggle against the Rabbanites and further developing their own ideology. The general decline of the Karaite communities had already been preceded by the decline of Karaism in its country of origin, Babylonia.

We have already pointed out the scarcity of sources on the economic and professional situation of the Karaites. In his travelogue, Benjamin of Tudela [around 1170 CE] reports that in Byzantium, in addition to the 12,000 Rab-

3 [Based on the research of his time, Fromm might have confused the names. In contemporary research, it is known that Yefet ben Eli was among the first to write an Arabic commentary on the Pentateuch. For analysis, see Polliack 2003.]

banites, there were approximately 800 Karaites, separated from each other by a wall. The Rabbanites were considered the scholars, while among the Karaites there were silk manufacturers, many merchants, and a good number of rich individuals. After the expulsion of the Jews from Spain, many settled in Constantinople and became [private] tutors in the houses of [rich] Karaite families. The Karaites thus represented a well-to-do class. Another indicator that the Karaites of Byzantium were wealthy was that they were persecuted by the Christians in the Byzantine Empire in around 1150 CE. Since it was precisely the Karaites who sought to avoid any possible ideological opposition to the host nations, and because in the case of persecution on religious grounds it was not the Karaites but the Jews who would have been being persecuted, we can assume that the persecution of the Karaites was a typical attempt by the ruling class to attack and rob the economically highest-ranking class of foreigners.

We know of the Karaites in Spain that they were very industrious and business-minded. A Rabbinic protégé of Alfonso VI used the help of the state power to suppress the Karaites. The Rabbanites drove the Karaites away from industrial enterprises and commerce. This exclusion presupposes that originally, it was probably the Karaites who held those economic positions that Rabbinic Jews were now wresting from them. The Karaites subsequently became impoverished and disappeared almost entirely from Spain (Depping 1834, pp. 92–98).

We have attempted to show the extent to which an economic factor had an impact on the emergence of Karaism. Admittedly, Karaism cannot be regarded as a uniform sect in the period that followed: although it started out from a small upper class and initially pursued only a political-legal separation from the rest of Judaism, very soon we also find mystical-ascetic currents within Karaism that are of a completely different kind.

The Karaite group known as *Avelei Tziyon*, the «Mourners of Zion,» had their center in Palestine. Here, the Karaite ideology was able to develop a life of its own independent of the original causes of its formation and from the leading class, and to embrace other classes. This possibility was also grounded in the conditions of a specific time: alongside new economic trends, new intellectual currents were appearing among the Jews. Both tendencies were already present in small sects even before the emergence of Karaism (Graetz 1871, pp. 162 ff.): for example, warlike Jews in Syria and Iraq had already renounced the Talmud, whose prescriptions hindered their frequent contacts with the Arabs. Apart from that, the movement and sect that formed in Syria around Serene (who, in around 720 AD, declared himself the Messiah) had an anti-Arab and messianic character. Serene's opposition to the Talmud bore the same character as the one that later inspired the self-styled Messiah Sabbatai Zevi; it can only be understood from a certain messianic redemption provision.

Still other disparate tendencies flowed into Karaism and mixed with it. These will not be investigated in the present work; our only concern was to show the economic foundations from which the official version of Karaism initially developed. In doing so, we showed how—starting from the economic sphere—there was a breakthrough first into the legal sphere, then into the religious-national sphere of Judaism.

3. The socio-religious structure of Karaism

Having attempted to understand Karaism in its formation as the result of the influence of new economic trends on the Jewish historical body, we now come to an analysis of its socio-religious structure. We will ask what the essence and the exceptional aspect of this large Jewish sect was, and how it differed from Rabbinic Judaism. What the Karaites themselves said about it, but also what historians determined based on this—namely, that the Karaites rejected the Talmud and oral tradition and recognized the Bible as the sole authority—cannot suffice for a sociological approach.

Our aim is to investigate what was behind the official ideological formula—and all the more so because the Karaites, beginning with Anan, did not bother at all to follow through on this formula. Even Anan himself, who established the principle «Search thoroughly in the Torah,» set up thirteen rules of interpretation that made it possible to deduce from—or better, to anchor in—the Torah many laws that belonged only to the oral tradition. These rules of interpretation hardly differed from those of Rabbinism and are the basis for the Law of the Karaites (which is by no means purely the law of the Bible). For the most part, Anan's law-book contains the provisions of the oral tradition as codified in the Mishnah and Talmud. This borrowing from the Mishnah is so strong that Anan was later accused of being a follower of the Mishnah by the Karaites themselves (see also Neubauer 1866, p. 6). The law-books of the later Karaite teachers are also based on a tradition that goes far beyond the Bible and that deviates very little from that of Rabbinic Judaism. Ultimately, the Karaites ended up formulating, quite explicitly, the guideline that also bound them to the acceptance of an oral tradition when they considered—in addition to scriptural wording and logical conclusion—the consensus of the community as a principle according to which the choice of the law applicable to them should be made.

In reality, the proclaimed return of the Karaites to the Bible was merely a cover-up ideology for something deeper that underlies Karaism and is entirely in keeping with its economic character: the pursuit of the abolition of the

provisions of the Law that were considered objectively valid and obligatory for the nation as such in favor of the individualization of the Law—that is, in favor of the possibility of interpreting and practicing the Law according to one’s opinion and needs.

We have already pointed out that there is an intrinsic connection between the denial of the national unity (a denial, as we now know, was caused by economic and political circumstances) and the ideology that says one must return to the Bible because it is sacrosanct and immutable. Those who no longer regard the nation as a living bearer of the Revelation that alone is authorized to change biblical law must ultimately embrace the theory of the immutability of the Bible. In practice, however, this led to a different consequence: because for various reasons (lack of clarity in the provisions themselves, excessive difficulties in implementing them under altered socioeconomic conditions) the law of the Bible had become impracticable in essential parts, an ideology had to be created in which everyone should interpret the Law as it suited him. The connection between the ideology of the return to the Scriptures and the individualization of the Law is therefore not accidental; on the contrary, they are both the necessary consequence of the abandonment of national unity that constitutes Karaism.

The ideology of Karaism was by no means new: the Sadducees had already used it as a battle cry against the Pharisees, who represented the oral doctrine (in truth, even then it was about political antagonism); then it was taken up by sects, one of which even went so far as to declare the entire Law, including the biblical one, to be abolished.

The ideology of the return to the Bible was particularly well-suited to enabling and at the same time concealing the actual goal of Karaism: the individualization of the Law. For the most part, of course, the law of the Bible hardly goes beyond allusions; if it is to be applied in practice, it absolutely requires special explanations and implementing provisions. This leaves room for any individual interpretation of biblical allusions. In this way, the ideology of the return to the Bible in reality opened the way to the individualization of the Law and the abolition of its collective validity [as it was made possible each time anew by the oral tradition in the Mishnah and Talmud and by the Rabbinic Sages]. This process is very impressively evidenced by the large number of codifications of the Law within Karaism, while in Rabbinic Judaism, according to which the Law is valid for all, there were very few codifications: in addition to the Mishnah and Talmud, there was the Halakhot Gedolot [great halachic text], and then the codifications of Maimonides at the end of the 12th century and a few others. Among the Karaites, on the other hand, each individual teacher and leader, during the brief florescence, wrote his own *Sefer Hamitzvot* [Book

of *Commandments*], in which he stipulated the law he considered binding and valid. As if it were not enough that the founder Anan had written his own law-book, all of his successors also wrote law-books for which each author claimed validity and that more or less diverged from one other. Thus in the short period of time in which the Karaites developed any sort of intellectual creativity, around fifteen such law-books were written.

Let us consider once again what of the disputes among scholars in Rabbinic Judaism found its expression in the literature. There, too, controversies over the *halacha*, the Law, were the order of the day, and the Mishnah and Talmud are full of them. But *halacha* does not refer only to the substance of the Law: it is also the name for the uniform and valid decision within this legal material. The applicable law was determined by a referendum and enforced authoritatively. As different as the opinions in the discussion were, great care was taken to ensure strict uniformity in the final decision.

The ostensibly purely literary difference between Rabbinic and Karaite Judaism reveals a profound sociological difference. In Rabbinic Judaism, the legal controversies are brought together in one book [the Talmud] and unified by a unanimous decision. This fact is an expression of the objective national validity of the Law in Rabbinic Judaism. Karaism, on the other hand, is characterized by an individualization that is embodied in the fact that the law-books differ from one another.

«The unrestricted freedom of scriptural research that Anan had made a condition entrusted each individual with the power of judging what is binding and what is non-binding, appointed the limited mind of the individual as the judge of religion, and thereby created confusion and sectarianism.» (Graetz 1871, p. 216.)

According to Graetz, this characteristic feature of Karaism is already present in Anan; later Karaism, however, can only be understood from the principles of individualization of the Law, which Anan did not yet advocate for as explicitly as his successors did. Benjamin ben Moses Nahawandi (mid-9th century) says

«I, Benjamin, am but one of the thousands and myriads (of scripture investigators), and I have not spoken decisively; I am neither prophet nor a son of a prophet, and every disciple of scripture (Karaite) walks this path and puts in writing only what he recognizes to be true through his own insight. All our disciples of the Scripture urgently admonish us to examination; the brother may deviate from his brother, the son from his father, the disciple from his master, and brother, father, master have no authority to say, why do you sepa-

rate yourself from my words! Through this (freedom), one will not be blamed by God if he sometimes teaches what is misunderstood and what is erroneous; on the contrary, he can expect God's reward for his honest striving, for his efforts to open the eyes of others.» (Quoted in Fürst 1862, p. 56.)

Sahl ben Matzliah [circa 950 CE], the most significant Karaite successor of Benjamin ben Moses Nahawandi, says:

«Know well that the Sons of Scripture [= Karaites] do not say, «We are your guides.» They did not create their institutions for the purpose of controlling the people according to their own will; rather, they want to be nothing more than researchers and fathomers of the Law, interpreters of the books of the prophets making wise use of the works of their predecessors in faith. That is why they always say to their brethren, «First learn, research, penetrate, and fathom, and then practice what you have established through your own knowing [Erkennen] and with evidence.»» (Quoted in Fürst 1862, 57.)

In his *Letter of Admonition*, Sahl ben Matzliah insists:

«In religion there is no need to follow the principle of the majority, for religion is only knowing [Erkennen]; one should not follow any authority, and the scholars should only guide the unlearned to their own knowing.»

Characteristic of the individualistic attitude of the Karaites is their position on the obligatory prayer of Rabbinic Judaism, the center of which is the Eighteen Benedictions. We have already characterized the Eighteen Benedictions above to the effect that it is a typical congregational prayer with a general prayer text: that is, one that is not fixed in terms of content, and that is intended to be moved by the religious power of the individual. This prayer, so typical of Rabbinic Judaism, was changed by the Karaites: they replaced the national collectivist prayer text with religious poetry that remained entirely peripheral in the Rabbinic liturgy but that had a far more marked character of individual religiosity. They pushed this individualism so far that they even incorporated poems by Karaite teachers and poets into the center of their prayer book (cf. Fürst 1865, p. 111). While it is true that Rabbinic Judaism also included psalms and more recent poems of religious content in its liturgy, the original Eighteen Benedictions remained at the center as the most faithful expression of the concept of congregational prayer (see also Heiler 1920, pp. 421 ff.). In Karaism, meanwhile, psalms and poems formed the center, and in this way expressed the individualizing tendency.

If one compares the statements of Karaite scholars with those of Rabbinic scholars, the full significance of the individualization of the Law in Karaism becomes apparent. For example, the Mishnah says: «The rebellion against the words of the scribes is a graver sin than against the words of the Torah» (*Sanhedrin* 2:3), and Rabbi Simeon Kayyara of Babylon [circa 890 CE] says:

«The sayings of the tradition-bearing scribes are weightier than the words of the Scripture; for of the sayings of the Soferim, it is said, 'You shall follow the teaching they may teach you, and even if they tell you that right is left and left is right, you must obey them.» (Quoted in Fürst 1865, p. 11.)

Judah Halevi [1075–1141] also finds that it is typical of the Karaites to want to resolve all questions through independent investigations, and discovers in this their relationship to the Mohammedan school of the Ahl al-Ra'y alqiyas.

The individualization of the Law was accompanied by an increasing fragmentation of the sect. The unity of Rabbinic Judaism had withstood the loss of city and Temple, as well as disappearance of royal and priestly authority, thanks to the objectively binding obligation of the Law and the authority of the Rabbinic scholars, who, through their knowledge [Wissen] alone, were qualified and obligated to continuously lay down and interpret the Law. The Karaites had neither priests nor Rabbinic scholars, since the leaders expressly refrained from laying down the Law in a form that was binding on all.

Despite the theoretical principle of complete freedom in interpreting the Law, the Karaites—if only for reasons of self-preservation—nevertheless showed a tendency toward maintaining a certain uniformity by not taking the theoretical principle entirely seriously in practice. Because each individual was writing his own law-book, each had to strive for a certain uniformity—if not for the whole sect, then at least for the circle for which he wrote and whose members were not at all capable of their own study. The three principles of scriptural interpretation—logical conclusion, scriptural wording, and community agreement—also applied to the entire sect of the Karaites and represented an attempt to ensure uniformity. However, the third principle simply reinforces the individualistic tendency yet again, since it lacks a criterion for judging what element it is that strengthens the community. The fragmentation of the Karaite sect, which correlated with the economic activity of the Karaites, is very clearly illustrated by the recorded fact that the Karaites in Jerusalem always lacked the tenth man to carry out the congregational prayer.

Finally, the social difference between Karaites and Rabbanites still remains to be examined—not in terms of their respective principles, but rather in terms of their impact.

The Rabbanites had immediately excommunicated Anan, and thus he forbade his followers to intermarry with the Rabbanites, or to eat or pray with them (cf. Fürst 1862, p. 59). These three prohibitions were at the same time a consequence of the changed understanding of the Law. The Karaites formulated marriage laws that—to a greater extent than in Rabbinic Judaism—considered consanguineous marriages to be biblically forbidden. At some points, they even changed the dietary law (meat slaughtered by others was no longer allowed to be eaten) and the prayer order, with the result that collective prayer became impossible. They also calculated the festival calendar not in a Rabbinic but rather in a Mohammedan way, so that they did not celebrate as a community any festivals that were not prescribed in the Bible, such as the Chanukah festival (the commemoration of the victory of the Maccabees over the Syrians and the Temple consecration associated with it). Regarding other differences from Rabbinic Judaism, the Karaites were not in agreement even among themselves (cf. Jost 1858, pp. 301–307).

From what we have said above, two points become obvious:

- 1) What marked the Karaites as a sect was—apart from their desire to separate from the community—the alteration and rejection of the social principle on which Rabbinic Judaism is based: namely, the universally binding validity of the Law.
- 2) Despite their splintering off from Judaism, the Karaites continued to be regarded by those around them as Jews, as they indeed were according to their race and the nature of their religion. This also explains their continued existence: the social separation, once established, did not permit a reunification with the Jews, but their great similarity (they were hardly different from the perspective of an outsider) did not permit them to be absorbed by the other peoples, either, so long as the Jews were viewed as a pariah people and this label was likewise applied to the Karaites.

The contrast between Karaites and Rabbanites continued to expand until the 11th century: the beginning of a new intellectual flowering of Rabbinic Judaism coincided with both the end of the intellectual output of the Karaites and with the expulsion of the Karaites from the economic positions they had held up until that point. With the decline of the sect, the contrasts diminished. Karaite families hired Rabbinic tutors for their children; prisoners were released from both sides; and in Lithuania and Poland, where both Karaite and Rabbinic communities lived in great need, both groups lived together in equally great peace.

An intensification of the antagonism between Rabbanites and Karaites would not occur again until the 19th century, in Russia. (On the topic, see Kras-

nosselsky 1912, pp. 59 ff.) The course of events there is in principle similar to the history of the emergence of Karaism. When Catherine II had introduced the legislation pertaining to the Jews [in late 18th century], the Karaites declared that they were Jews only in origin, but otherwise had nothing in common with Judaism, citing the non-recognition of the Talmud as proof of this. This argument was effective because the Talmud, at that time, was considered the root of all that is evil in Judaism. The Talmud was similarly hated at the time of the emergence of Karaism, as evidenced by an edict from Byzantium (Krauss 1914, pp. 61 f.) that forbade Jews from studying the Talmud and permitted only the oral tradition.

On the basis of their declaration that they were not Jews, the Karaites were granted civil rights in Russia in 1863. This legal shift naturally had a considerable impact on their economic situation. The Karaites of southern Russia and the Crimea rose to great wealth. Most of them were tobacco merchants who, as soon as their economic situation had improved, set about founding schools and publishing the works of their teachers and leaders in their own printing houses.

There was also a Karaite teacher, Abraham Firkovich [1786–1874], who revived Karaite teaching. A fanatic by character, he shifted the origins of Karaism to early [pre-Christian] times, downgraded Rabbinism, and allowed himself to be carried away into heavy falsifications that, although slowly unraveled, constituted a major obstacle to the study of Karaism. Towards the end of the 19th century, the intellectual attacks, but even more so the behavior of the Karaites that the Jews perceived as treasonous, was bound to exacerbate tension and enmity toward Rabbinic Judaism.

4. Summary: On the sociology of Karaism

What is fundamentally new about Karaism in sociological terms is its marked orientation towards «free research.» This orientation became apparent in the context of the Law. In Rabbinic Judaism, «free research» in the field of the Law was not excluded, but rather free decision (which is what Karaism understood research to mean, as we saw) was excluded. While the sphere of legal life was under strictly authoritative bondage in Rabbinic Judaism, Karaism left it to individual opinion. But when it came to the sphere in which free research prevailed in Rabbinic Judaism, and which—within the limits of the moral-religious feeling inherent in the people—was completely left to individual belief, Karaism robbed that sphere of its particularity and the right and possibility of free research. Anan himself wrote, in addition to his law-book, a dogmatic work [summa] in Arabic that has been lost to us. This [dogmatic] tendency finds

its strongest expression in the creation of a binding force alien to Judaism: in the form of articles of faith, which intended to establish the entire content of Judaism as binding. Before the Karaites, there had never been any articles of faith in Judaism. And it was only as a reaction to the Karaite articles of faith that the Rabbanites also composed such articles of faith. Their function and impact have already been described above.

Karaite dogmatic teachings were by no means creative: they did not contain any new ideas, and were not at all the expression of a new and particular religiosity. While the Karaites may have gone their own way with regard to the Law, in the field of faith, they followed in the wake of Rabbinism and Mohammedan theology.

A comparison between the earliest articles of faith that have come to us, those of Judah Hadassi (one of the intellectual exponents of Karaism), and the articles of faith of Moses Maimonides, which emerged only a short time later, highlights with particular clarity the lack of originality of Karaite dogma. Maimonides formulated, based on the traditions of Judaism, Thirteen Articles of Faith, while Hadassi formulated only ten—the number customary in Islam.

As much as Hadassi was a fierce opponent of Rabbinic Judaism in matters of the Law, his dogma differed little from that of Maimonides. In principle, however, it must be borne in mind that «the» Jewish dogma never existed, and thus a true comparison is not actually possible. Moreover, the opinions among Rabbinic teachers on the most elementary questions of faith were fiercely divergent, as was the case, for example, between Moses Maimonides and Abraham ben David regarding the question of the corporeality of God.

Before we answer the question of the sociological cause of Karaite dogma, we must keep in mind that Rabbinic dogma does not constitute a social category and therefore cannot be evaluated sociologically. It does not constitute a social category because—as we have shown—it has always remained a purely individual opinion of its authors and never became socially binding. It served as a defense against other religions. The entire Jewish philosophy of that time bears this partly polemical, partly apologetic character. The purpose of all philosophy is action (the Law). For this reason, Judaism, in its entire sociological structure, did not need any sort of dogma. The whole of sensibility and thought of the people was connected to the ethnic body through the halacha and flowed directly into the Law. A collective system of faith and knowledge [Glaubens- und Wissenssystem] was therefore, sociologically speaking, completely superfluous.

For Karaism, things are quite different. The sect abolished the role of the Law as an objectively valid normative system that the people embraced uniformly, and individualized the Law itself. Consequently, it had to create a uni-

versally binding dogma that was entrusted with the task of preserving the unity of the sect through the binding formulation of religious sensitivity and thought.

I. M. Jost gives a clear formulation of the Karaites' attitude toward the articles of faith and the Law:

«Whoever acknowledges these ten articles, though he errs and is absent in all other respects, is considered an Israelite; but whoever rejects all of them, or rejects one of them, does not deserve to be called a brother, even if he observes the Law in its entirety.» (Jost 1858, p. 338.)

Karaism replaced the collectivism of the form of Law and the individualism of faith and worldview [Weltanschauung]—which both form the basis of Rabbinism—with a new principle: individualism of the Law and collectivism of faith.

III.

Reform Judaism

1. The Emancipation of the Jews

a) The situation of the Jews before emancipation

Up until the end of the 18th century, the Jewish mass of all countries, including Germany, formed a characteristic unit that was distinguished by the same fundamental social structure that had permeated the entire Diaspora. The Jewish mass represented a peculiar confluence of religious and social ties, a religious-national society detached from the state. Embedded in a civilizing process that was alien to it, the Jewish historical body lived its own life. The culture, and the social body formed by it, remained autonomous. For both the individual and the whole, life under the Law was simple and self-explanatory. From this autonomous way of life arose the communal autonomy recognized by the state.

Spiritually, the Jewish mass lived in its own world and had only very limited connection with European culture. During Palestine's harvest season, the Jews of Europe's northern climate, with its harsh autumns, carried the palm fronds that grew in the south and dwelt in airy *sukkot*; during Palestine's rainy season—in the winter of the north—they prayed for abundant rainfall. And when they died, their longing was to have at least one sack of Palestinian soil placed under their heads.

Any social contact with the non-Jewish population was hampered by the Law. The Jew could neither eat nor drink with his Christian neighbor; his day of rest fell on a different day of the week; his whole attitude toward the world was determined by the Law. The Jews had become weak and fearful due to the many bloody blows inflicted on them by their hosts during their existence as guests in the Occident; now, they longed to escape the condition of being a despised pariah people, to reach the light of European culture and the warmth of brotherhood with the peoples of Europe. (See also M. Weber 1921, pp. 281–400.)

Since the ethnic body was increasingly lacking in healthy natural foundations, religion—that is, the mixture of religious-individual content and nationally binding Law—became increasingly about preserving the ethnic body. The

more the life of the Jewish people as a national whole was threatened, the more religion lost its autonomy and freedom and became fossilized. A separate and already partially fossilized religious-social life, complete isolation from the surrounding culture, and anxious hopes for liberation from the shackles: this was the spiritual condition of the Jews in the mid-18th century.

Two paths out of this situation were found. In Poland, where liberation from outside was out of the question, the Hasidic movement brought about a renewal from the depths and particularity of the Jewish historical body itself. The oppressed mass liberated itself by saturating and shaping the social body anew with the powerful force of mystical-religious aspiration. In Germany, the contestation of the old Judaism emerged in the form of the Enlightenment. «The efforts of this movement, in its moderate elements, are aimed at giving a new shape to Jewish culture; in its extreme elements, they are aimed at destroying it.» (Dubnow 1920, p. 10.)

As was the case with the religious-national aspect, when it came to the political and civic one, pre-emancipation Jews also formed a particular group of foreigners who had never had a state of their own and therefore could not be protected by treaties of international law, either. They were forced to live in dark corners and pay for their own security with disproportionate and oppressive taxes, and were subjected to a stream of new taxes that were being constantly invented as required. All attempts to break out of the stranglehold of the territory assigned to them or the restrictions on the professions they were allowed to practice were met with insurmountable obstacles. In some places, the authorities even attempted to formally prevent the natural expansion of the group with laws limiting the number of marriages.

The economic situation corresponded to the legal and political situation. The ruling classes forced the Jews into a very specific and narrow circle of professions and trades: out of the entire spectrum of occupations, they were essentially only allowed to engage in retail and usury. The Prussian decree of September 29, 1730 is indicative of their economic limitations:

«The Jews are not to trade in material goods, spices, or foodstuffs, (...) nor are they to brew beer or distill brandy for sale. No Jew shall engage in any civil trade, except for the engraving of seals, which they are permitted to do.»
(Quoted in Freund 1912, p. 16, 18.)

Christian Wilhelm von Dohm [1751–1820], a Prussian political writer and civil servant, provides a clear illustration of the economic situation of the Jews in his 1781 book *On the Civil Improvement of the Jews* [*Über die bürgerliche Verbesserung der Juden*]:

«And because of these manifold taxes, the Jew's earnings are extremely limited. Everywhere, whether in peace or in war, he is completely excluded from the honor of serving the state; his first occupation, agriculture, is forbidden to him everywhere, and almost nowhere can he own land in his own name. Any guild would consider itself dishonored if it accepted a circumcised man among its members, and therefore the Hebrew is completely excluded from the trades and mechanical arts in almost all countries. With so many oppressive circumstances, only rare geniuses (who cannot be taken into account when speaking of the nation as a whole) are left with the courage and joviality to rise to the fine arts or the sciences, of which, considered at the same time as a way of earning a living, only metrology, natural history, and medical science remain for the Hebrew. And even those rare people who reach a high level in the sciences and arts, as well as those who do honor to mankind with the most irreproachable righteousness, can only count on the respect of a few noblemen; but for the great mass, even those individuals with the most excellent merits of mind and heart can never be forgiven the mistake of being a Jew. So this unfortunate person, who has no fatherland, whose activity is limited everywhere, who cannot freely express his talents anywhere, whose virtue no one believes in, who is practically without honor—he has no other way to enjoy his meager existence, to nourish himself, than trade. But even this is hampered by many restrictions and taxes, and only a few of this nation have sufficient means to undertake trade on a large scale. They are therefore mostly limited to a very small retail trade, where only the accumulation of small earnings can suffice to sustain a paltry living; or they are forced to lend to others the money that they cannot use themselves.» (Quoted in Dubnow 1920, pp. 11 f.)

Of civic-legal as well as economic importance were the limitations imposed on the Jews regarding freedom of movement. If a Jew wanted to travel from one city to another within the borders of the same country, he had to pay, upon arrival at this destination, the same tax set for the import of livestock. Only the privileged «Protected Jews» [Schutzjuden] or «Escort Jews» [Geleitjuden] were able to exempt themselves from this tax, but on the condition that they respect the humiliating formalities imposed by the state hosting them. When Moses Mendelssohn pulled into Dresden in 1776—by which point he had already become famous—he was detained at the border and forced to pay the body tax [Leibzoll] according to the rate set for, as he later put it, a «Polish bull.»

The extent to which restrictions on freedom of movement also gave rise to repressive economic measures is illustrated by the following case:

«The Prussian government was shocked to learn that a large number of Jews (in Breslau) had been sneaking in for some time under all kinds of pretenses, and that they had, to the detriment of the Christian merchants, been practicing various trades forbidden to them. (...) For this reason, the King set a precise limit for the Jewish population (of Breslau): 160 families.» (Dubnow 1920, p. 185.)

The conditions in the other German states were not much better than those in Prussia. In Saxony, the «Jewish Ordinance» [Judenordnung] forbade Jews from acquiring houses and engaging in trade and commerce; only exchange transactions and the trade in old clothing were permitted to them. In Bavaria and the other free states and cities, the conditions were even worse: even the «liberal» Duke of Mecklenburg, Frederick Francis I, decreed immediately after his accession to the throne that no «letters of protection» [Schutzbriefe]—that is, residence permits—may be issued to the Jews beyond the quotas already granted until some of the current population of Protected Jews had died out and thus opened up the possibility of settlement to their co-religionists. If those in power wanted to conceal these measures of economic suppression, they often used the argument that they were only looking to ensure the economic stability of the Jews.

b) The emancipation of the Jews in the 18th and 19th centuries

The above-described legal, economic, and social conditions of the Jews under early capitalism changed completely in the high-capitalist epoch that broke out around the mid-18th century. Only then did the decisive structural transformation of the entire population take place, and only then did large-scale capitalism open up the broad terrain of confrontation to the Jewish historical body. What W. Sombart (1903) writes about the German economy in general also applies to the Jews. Great wealth quickly flowed into the hands of German capital owners—fortunes that owed their rapid formation partly to war supplies, partly to the management of financial operations, partly to commercial activity (which had become extremely lucrative as a result of the chaos of the war, and especially as a result of the monopoly position of the German seaports created by the Continental System), and partly to profits from agriculture produced for export. (Graetz 1870)

Frederick II's pursuit of money led to a great accumulation of capital. Thus in the bourgeois circles of Berlin, we find a number of Jewish millionaires. Frederick II promoted the Jewish big capitalists above all in the fields of in-

dustrial, banking, and leasing enterprises (cf. Dubnow 1920, p. 21). The king entrusted the care of his finances to them, with the result that this small class earned large sums of money during the Seven Years' War. A rich capitalist class thus developed only when enabled by an economic need. «A certain freedom of trade was granted to the Jews, but only to those who were rich, and only in those places where there were not a sufficient number of Christian merchants.» (Dubnow 1920, p. 183.)

The small class of Jewish financiers and wholesale merchants effectively filled a gap in German economic life—and it was precisely this class that busted open the shackles to which the economic life of all Jews had been chained, that emancipated itself economically and thus began the economic emancipation for the Jewish community as a whole. Admittedly, this universal emancipation did not begin until later, and then only came to completion in the second great capitalist heyday in the mid-19th century.

As we can see, a small class of Jewish capitalists did not exist until the end of the 18th century. A clear picture of the economic situation of this wealthy class is given to us in the «Report of the Privy Financial Council Jaeschke Regarding the Appointment of Second-Born Children» [«Gutachten des Geheimen Finanzrats Jaeschke betr. die Ansetzung der zweiten Kinder»] of April 22–23, 1804:

«The Jews on the royal lands, especially on the old ones, multiply more conspicuously with each passing year; as well, they conduct their business at such a profit that many are in possession of the greatest riches and, by virtue of this and of their very own peculiar way of using money, almost always outrank the Christians, that is, the true citizens, in every enterprise.» (Quoted in Freund 1912, p. 165.)

In other large cities, too, a rich bourgeois-capitalist class took form. Hamburg based its hopes for commercial development on this class, and it was known that there were already a few rich Jews present in Königsberg as well.

Initially, the economic emancipation of a small circle of Jews had only cultural and social consequences. While the impecunious, economically non-emancipated masses completely lacked educational resources and opportunities, the members of the rich classes employed private tutors (Moses Mendelssohn was a tutor in one such big-capitalist household) and opened the gates to the highly sought-after education of the time for themselves and above all, for their families.

«While the heads of the family were fully absorbed in their extensive business ventures, their wives and children opened, in their richly furnished apart-

ments, «salons» modeled after the best aristocratic and courtly salons of Berlin, seeking to overshadow even these with elegance and opulence.» (Dubnow 1920, pp. 21 f.)

It was in these salons that the social emancipation of that wealthy Jewish class took place, which led to the social emancipation of an increasing number of Jewish circles in parallel with economic emancipation and equalization.

The wealthy Jewish capitalist class's penetration of Christian society was not a direct consequence of its economic situation, but only an indirect one, insofar as its penetration was made possible by its education, which presupposed wealth. Thus the significance of Moses Mendelssohn, who is usually regarded as the spiritual father of Jewish emancipation and assimilation, is perhaps based more on the fact that he, through his popular philosophy and his friendship with [Gotthold Ephraim] Lessing, literally made the Jews—or rather, their upper class—«salon-ready,» while he owed less to his intellectual achievements in the field of German philosophy (a field in which, moreover, he has been almost completely forgotten) or of Judaism. (How barren he was in the field of «old» or «modern» Jewish scholarship, and how little he truly created a new ideology—the «Reform»—will be shown later.)

The historical importance of Moses Mendelssohn lies exclusively in his social impact, not in his cultural-religious impact. His greatest intellectual creation in the Jewish sphere—the German translation of the Bible, which taught his fellow believers the German language—was of little significance in the realm of religion, but it had the social effect of opening the gates of society to the Jews over the course of time. But while Moses Mendelssohn's impact remained limited in the purely intellectual realm, he was able to exert a strong influence in the social realm. Most of the children of this man, who was strictly devoted to Judaism, converted to Christianity. The same was done by the two women who were at the center of the two most famous salons at the time: Henriette Herz (1764–1847)—a friend of [Friedrich] Schleiermacher—and Rahel Levin (1771–1833). [For more, see Dubnow 1920, pp. 198–203.] Herz's salon attracted the exponents of Lessing and Mendelssohn's humanism ([Friedrich] Nicolai, [Christian Wilhelm von] Dohm, [Karl Wilhelm] Ramler, [Wilhelm Abraham] Teller, and others [see H. Graetz, 1870, Vol. 11, p. 157]); there, they encountered the representatives of the newfangled Romanticism. Schleiermacher, Friedrich von Schlegel, [Adelbert von] Chamisso, and even the Humboldt brothers [Alexander and Wilhelm] also moved about in this circle from time to time.

The final consequence of the social equalization of the Jews, the conversion to Christianity, was not simply a phenomenon among individuals: rather,

a veritable mass baptism took hold. This large-scale conversion grew to such an extent that «the Prussian government (...) finally became aware of the excessive enrichment of the church by dubious neophytes» and «decided to introduce control» (Dubnow 1920, p. 204). In 1819, a royal decree was issued prohibiting pastors from baptizing Jews without written confirmation from the local police authority attesting to the sincerity of their intentions.

Once the economic, intellectual, and social penetration on the part of a rich Jewish upper class into Christian society was an accomplished fact, a legal and political emancipation remained. Such an emancipation did, in fact, follow: as a result of, though only at a considerable distance from, the initial penetration. But to a greater degree, this legal and political emancipation was due to the French Revolution, which introduced the idea of legal and political emancipation to the world. The civic-legal emancipation of the Jews, which took hold with the royal Edict of Emancipation of 1812, came about only after great difficulty and thanks to many efforts on the part of non-Jews (von Dohm and others) and the Jewish capitalist class. Only with [Prime Minister Karl August von] Hardenberg was it ultimately pushed through. In the German states, however, where it had been introduced by the Napoleonic regiment, it was abolished again after the Congress of Vienna in 1815 (Graetz 1870, pp. 334 f.). In Prussia, emancipation was gradually dismantled again and did not formally come into full force again until 1848.

The process of integrating German Jews into the economic, intellectual, social, and political-legal life of the German people began in the mid-18th century with the economic integration of a small class, but it did not experience a steady progression until the 19th century, when it expanded in two ways: first, emancipation encompassed ever new spheres of cultural and social life or expanded those it had already gained; and second, ever-larger classes of Jews were being integrated into these spheres. In parallel with the uniform development of capitalism, the entire epoch of emancipation was also distinguished by a fundamentally unified character and therefore lends itself to a likewise unified sociological survey.

2. The development of the Reform movement

a) The Jewish Law and the bourgeois-capitalist historical body

So far, we have briefly outlined the essential prerequisites for understanding what is important to us in this investigation: namely, examining the fate of Judaism when it collided with the bourgeois-capitalist European historical

body. Because the [Jewish] Law is the strongest expression of the shaping of the Jewish social body by the «soul» of the Jewish historical body, in examining this collision we must first ascertain its repercussions and the victory of the foreign historical body. We will show how the spirit of capitalist bourgeois culture transforms the social structure of Judaism and how, at the same time, the fiction is maintained that no substantial changes have actually taken place at all.

That the «souls» of these two historical bodies were irreconcilably at odds with each other need not be further elaborated at this point. We have already attempted to show how irreconcilably the «spirit» of Judaism—the spirit of contemplative religious conception and mastery of the world—and the spirit of capitalism, as Max Weber presented it—the spirit of haste, of sanctity of work and profession, and as the spirit of scientific-rational «disenchantment» [Entzauberung]—were opposed.

It is thus also easy to see how the Law, with all its requirements, stood in contradiction to the «new economy.» The day of rest for the general population fell on a Sunday; the legal day of rest for the Jews was the Sabbath. For the Jewish financier, it was an economic hindrance of the most difficult kind to abandon urgent business that needed to be settled on a Saturday. For any merchant, too, it meant a severe economic loss if he was obligated to respect the day of rest for two days a week—a loss that became all the more palpable as competition and rivalry grew. Another economic obstacle—and a rather significant one—was created by the Jewish dietary law, as it only permitted the consumption of ritually slaughtered animals, and this slaughter was only possible in places where there lived a larger number of Jews who could pay for their own butcher. A merchant who, for business reasons, had to stay in areas populated only sparsely by Jews could not get anything to eat and had to live with certain privations. [The laws pertaining to prayer were also an impediment:] the Jewish-capitalist merchant no longer had time to gather for prayer three times a day; a service on the Sabbath lasting several hours already put a strain on his new sense of time. The contrast was particularly clear and striking when it came to raising children. Business and the business mentality limited the time that could be devoted to spiritual education. Thus one had to choose between knowledge [Kenntnis] of German culture and knowledge of Jewish culture, between learning foreign languages—which paved the way to economic success—and learning Hebrew, which alone opened the door to the understanding of Jewish culture.

It need hardly be emphasized that the Law and spirit of Judaism also stood in the way of social unification. The dietary law made it impossible to eat at the same table as the non-Jew, and thus constituted a major obstacle to any social unification. But in other areas, too, the spirit of traditional Jewish society

contradicted that of German society. Above all, the spirit of relations between the sexes was completely opposite to that which prevailed in the «salons» and in the wider circles of society in general.

Finally, there remained a contradiction between the political-constitutional situation of the Jews and the Jewish Law. That it was impossible for a Jewish civil servant to keep the Sabbath and the dietary laws certainly played a role; but what mattered most was the state's position on the Law itself and the fact that this attitude was decisive for legal-political emancipation. The state's original position on the Jews was that of Christianity throughout the Middle Ages. The Jews, with their national segregation, with their «pariah status,» had been assigned their rightful place in the Christian image of the world and the government had no interest in changing this role.

Every anti-traditional movement was suppressed by the government, with the result that the government itself ended up becoming a pillar of the national-religious segregation. In the General Regulations of April 17, 1750, for example, we read:

«We also want all of the Protected Jews living in Berlin and our other cities to conform to the entire Jewish Community in matters of religion, and for none of them to be excluded from it nor allowed the slightest separation in it, but rather that all members of the Jewish Community remain subject to the elders and the rabbi in all matters of religion and church.» (Quoted in Freund 1912, p. 52.)

The edict of May 20, 1714 was already in place:

«And because past experience shows what kind of inconvenience, unrest, and damage the separation of the Jewish Community causes, no further separation shall be allowed; rather, each individual shall be obliged to conform to the whole community.» (Quoted in Freund 1912, p. 11; see also the *General Regulations* of September 29, 1730 [quoted in] Freund 1912, p. 20.)

Shortly after the fall of Napoleon, the government closed down the prayer rooms established by [David] Friedländer [1750–1834] and [Israel] Jacobson [1768–1828] in Berlin, where Reform services were already being held.

Gradually, however, an opposite tendency emerged: the government made legal emancipation dependent on whether the Jews renounced the separate national-social life established in the Law. This new tendency is already evident in the «Notice from State Ministry to the Elders of the Jewish Community» [«Bescheid des Staatsministeriums an die Ältesten der Judenschaft»] of April 2, 1798:

«As long, therefore, as the same (the Jewish nation) continues to separate itself from the other inhabitants of the state, not merely through speculative religious opinion, but also through practical principles, customs, traditions, and constitutions, and to nourish a certain national hatred against the other inhabitants of the state, as long as it forms, by virtue of its internal constitution and hierarchy, as it were, a special state within the state... until that time, the abolition of these laws cannot take place, all the more so since the continuous existence of these laws is even more reason to work towards such a solid reform as described above.» (Quoted in Freund 1912, pp. 126 f.)

A complete reversal in the Prussian government's position on the separate national life of the Jews, however, did not come about until Frederick William IV [1795–1861]. He completely renounced support for the Orthodoxy, with the result that under his rule, the Reform movement gained ground in the early 1840s. The Prussian government ultimately followed an example that Napoleon had already given to the world and that had been being practiced in Baden: a Sanhedrin, convened at Napoleon's behest, composed of forty-six clergymen and twenty-five laymen that had met on February 9, 1807, following Napoleon's directive and confirming the non-national and purely religious character of Judaism.

At the beginning of emancipation, the situation of the German and Western Jews was essentially as follows: while these groups had previously formed a national, social, religious, and cultural unity and constituted one people, the governments—and above all, the conditions of that population into which the Jews were to be admitted as equals—now demanded that they renounce their national particularity. Individual emancipation would come at the cost of the nation's downfall.

Moses Mendelssohn [1729–1786] stood at the beginning of this new era. He was a man living in a time of transition who understood this conflict in all of its sharpness, and with utmost clarity. In his book *Jerusalem*, he writes, referring to the time of the emergence of Christianity and Jesus:

«Manifest opposition, a collision of duties! The state was under foreign dominion, and received its orders from foreign gods, as it were, while the native religion still survived, retaining a part of its influence on civil life. Here is demand against demand, claim against claim. ‹To whom shall we give? Whom shall we obey?› Bear both burdens—went the advice—as well as you can; serve two masters with patience and devotion. Give to Caesar, and give to God too! To each his own, since the unity of interests is now destroyed!

And even today, no wiser advice than this can be given to the House of Jacob. Adapt yourselves to the morals and the constitution of the land to

which you have been removed; but hold fast to the religion of your fathers too. Bear both burdens as well as you can! (...) Nevertheless, persevere; remain unflinchingly at the post which Providence has assigned to you, and endure everything that happens to you as your lawgiver foretold long ago. In fact, I cannot see how those born into the House of Jacob can in any conscientious manner disencumber themselves of the law.» (Mendelssohn [1919] 1983, pp. 131 f.)

A little later in *Jerusalem*, Mendelssohn clarifies:

«But personal commandments, duties imposed upon a son of Israel, without regard to the Temple service and landed property in Palestine, must, as far as we can see, be observed strictly according to the words of the law, until it shall please the Most High to set our conscience at rest and to make their abrogation known in a clear voice and in a public manner. (...) If civil union cannot be obtained under any other condition than our departing from the laws which we still consider binding on us, then we are sincerely sorry to find it necessary to declare that we must rather do without civil union. (...) It does not rest with us to yield on this matter; but it does rest with us, if we are honest, to love you, nevertheless, as brothers, and to beseech you as brothers to make our burdens as bearable as you can. Regard us, if not as brothers and fellow citizens, at least as fellow men and fellow inhabitants of the land. Show us ways and provide us with the means of becoming better men and better fellow inhabitants, and permit us to be partners in enjoying the rights of humanity as far as time and circumstances permit. We cannot, in good conscience, depart from the law, and what good will it do you to have fellow citizens without conscience? (Ibid., pp. 134 f.)

Mendelssohn sees the conflict, but he is too sincere to assert the principle, against his conviction, that the Law is not binding. His enthusiasm for the Law, however, gave way to a deep resignation. We can therefore understand how the children and disciples of this man, a man who was completely faithful to the Law in his life but whose resignation they felt deeply, turned their backs on Judaism. When it came to this conflict—that is, the conflict between integrating into the economic, social, and intellectual life of Germany, and being Jewish—there were only two ways out for those classes of society directly affected: either baptism, or the creation of an ideology that would allow them to remain in Judaism and at the same time be integrated into German social and cultural life.

While many took the path of complete renunciation in order to buy their entry into European culture, the majority remained too attached to Judaism—

whether for reasons of piety, the shame of desertion, or for reasons of true love for Judaism, or out of respect for the Christian world—to abandon it altogether. Nevertheless, they wanted to adapt Judaism entirely to their needs, and to mask or even eliminate the conflict with a new ideology. This new ideology, which will be discussed below in more detail, is an expression of the collision between the Jewish historical body and the bourgeois-capitalist historical body. It emerged directly from the will to adapt to economic needs.

b) The laity as bearers of the Reform

In the mid-18th century, in the early days of high capitalism, only a small class felt the need for a new ideology. By the second florescence of high capitalism, 100 years later, further classes of German Jews had been integrated, with these «new» Jews even constituting the majority in some communities—and it was then that the conditions matured for the appearance of professional ideologues among the Reform rabbis. From then on, the formation of the new ideology passed from the hands of rich individuals into the hands of theologians. The integration into German economic and social life proceeded only very gradually, with the result that the classes that were initially uninvolved in it had time to close ranks, consolidate ideologically, and mitigate the conflict in various ways: by brokering Sabbath-free positions, remaining in professions—or taking up new ones—that made it possible not to work on the Sabbath, and by establishing, among other things, ritual restaurants in many places.

With the Reform ideologues, a new type of Orthodox rabbi also appeared, one whose most significant exponent was Samson Raphael Hirsch [1808–1888]. These rabbis tried to cover up the conflict between the two historical bodies in a different way (thus continuing Mendelssohn's work on the ideological level): they insisted on the inviolability of the Law, but wanted to unite it with the spirit of the new culture. Their motto was: Torah study *and* secular education. In their hands, the Law lost its «soul» altogether, becoming a fossilized system of customs adhered to by people who in reality were already fully integrated into the foreign historical body.

Samson Raphael Hirsch, the founder of Neo-Orthodoxy, was certainly a reformer as well. It was he who introduced the German sermon, the synagogue choir, and the official robes for rabbis. That Neo-Orthodoxy could come about was due to the following reasons: with emancipation, the Jews were deprived of the right to their own jurisdiction that they were entitled to and had exercised throughout the Middle Ages, a jurisdiction that was very active whenever it came to configuring new conditions of practical life. Orthodoxy

did not mourn the removal of its civil jurisdiction, and thus opened the way to a double life: on one side, it lived under norms that had been robbed of their «soul»; on the other, it lived in a social body that was in contradiction with the first. The movement concealed this contradiction by deliberately and willingly foregoing a role in shaping the new economy. Although Neo-Orthodoxy cannot be counted as a true and proper «reform,» it nevertheless expresses the attitude of a section of the Jewish people that has fallen into the arms of the capitalists.

Returning to the original bearer of the Reform, the capitalist upper class of Jewish laity: even at the beginning of the emancipation era, it were the individual newly rich Jews who turned against the authority of the Orthodox rabbis and asked the government for relief. In their submission from January 17, 1793, thirty-four heads of household in Königsberg write:

«From one (...) side, we are being crushed by the fetters of the obligation of solidarity. The burden of taxes, (...) the more or less great state of dependence in which we are being kept by our elders and leaders, will become ever more intolerable for us the longer it persists. (...) (Our children will) abandon the religion of their fathers. (...) And it is not the poorer, uncultivated, and ever-ignorant segment of the nation that will take this violent step to improve its civil condition, but rather the richer, better, nobler segment of it.» (Quoted in Freund 1912, pp. 92, 94.)

They demand, at least for themselves, the abolition of the obligation of solidarity.

A similar situation can be observed among the Jews in France (for more, see Dubnow 1920, pp. 94 ff.). As a result of their high economic position, the Jews of Bordeaux had obtained the rights granted to naturalized citizens of southern France, and were thus in possession of «passive citizenship.» In a petition to the National Assembly [Nationalversammlung] dated December 31, 1789, they protested «against the behavior of the «Jews of Alsace-Lorraine and the Three Bishoprics,» who live under their own particular (municipal) administration, have their own special laws, and claim to form a class of citizens separate from all others» (Dubnow 1920, pp. 94 f.) They achieved their goal, so much so that by 1790—that is, even before the emancipation of the rest of the French Jews—a parliamentary decree recognized their rights as active citizens.

The Assembly of Notables convened by Napoleon in 1806 (Dubnow 1920, pp. 131 f.) was to decide in part on purely Jewish theological issues, such as the question of the legal admissibility of mixed marriages, the taking of interest, certain professions, and so on. The assembly consisted in part of Rabbinic scholars and laymen, members of the uppermost bourgeois-capitalist class. The

chairman was the layman Abraham Furtado, a Sephardic Jew from Bordeaux, who—it was said—knew the Bible exclusively from the works of Voltaire. The spiritual leader of the Alsatian Jews was likewise a layman, the Ashkenazi Jew Berr Isaac Berr [de Turique] from Nancy. The influence of the laity at this most important gathering was evident in the very fact that the proceedings began on a Saturday, and that it was decided by a large majority, for political reasons, to contravene the Rabbinic prohibition of writing [on the Sabbath].

The lay element was also strongly represented at the Grand Sanhedrin convened by Napoleon in Paris in 1807 with the mandate to sanction the resolutions of the Assemblies of Notables. Using this Napoleonic institution as a model, King Jérôme Bonaparte established, by decree of March 31, 1808, a Jewish consistory in Westphalia tasked with regulating the entire religious life of Westphalian Jews. This consistory, too, was made up of three Rabbinic scholars, two laymen, and the chairman: Israel Jacobson, the rich financial advisor to Charles Wilhelm Ferdinand, former Duke of Brunswick. Jacobson himself had also indirectly appointed the other members of the consistory—even the Rabbinic ones.

When it came to the Berlin Reform, the lay element was just as groundbreaking and decisive—indeed, until the mid-19th century, it was the only bearer of the Reform at all. After the fall of Jérôme Bonaparte, Israel Jacobson went to Berlin, where his wealth and education earned him many admirers (Philippson 1907, p. 153). As soon as he arrived, he established his own temple service with German-language prayers and choral singing, delivered his own uplifting speeches, and carried out the confirmation of his own son. Two years later, he even had an organ installed. After Hardenberg's death, this Reform prayer room was shut down by the government. Even such a liberal author as Martin Philippson has to admit:

«Even this apparently quite promising innovation suffered deep damage from the outset. The entire thing was a venture started by laymen, and mainly by businessmen; the theological and biblical elements, the expert knowledge of the conveyance of tradition, were missing.» (Philippson 1907, p. 159.)

Another establishment founded by laymen was the temple inaugurated in Hamburg in 1818 where German prayers, choir, and organ were also introduced, although the services were not as radically reformist as those of Jacobson in Berlin. Both the three representatives of the Hamburg rabbinate and a large number of Orthodox rabbis emphatically condemned the Hamburg Reform. Proponents of the new temple and opponents of the Rabbinic scholars included Lazarus Riesser in 1818 and his son, the lawyer Gabriel Riesser [1806–1863],

in 1841. A larger number of «well-to-do Jewish families» (Philippson 1907, p. 163) joined the temple, thus documenting its class character. On the occasion of the 1820 Leipzig Trade Fair, a liturgy for businessmen was organized that was entirely in the Reform style, inaugurated with songs specially composed by Giacomo Meyerbeer.

An association that was likewise founded by laymen and established partly for socioeconomic purposes, partly for cultural purposes was the «Society for the Culture and Science of the Jews» [«Verein für die Kultur und Wissenschaft der Juden»], which was founded in 1819 by jurist Eduard Gans, accountant Moses Moser, and the theologically educated Leopold Zunz.

«The purpose of the Society was to establish schools, seminaries, and academies for the Jews, to facilitate all kinds of literary and scholarly work, to promote trade, the arts, and agriculture, and, indeed, to educate the Jews to become part of a higher social class.» (Philippson 1907, p. 166.)

The Society did not really resonate, and although it had succeeded in forming local groups in Hamburg, Frankfurt am Main, Breslau [Wrocław], and elsewhere, it disbanded in 1824. Gans, its founder and leader, converted to Christianity in 1825.

In this context, it is also worth mentioning the «Society of the Friends of Reform» [«Verein der Reformfreunde»], founded in 1842 by Theodor Creizenach [1818–1877], a man who «dabbled in many branches of writing» (Philippson 1907, p. 209), and who converted to Christianity in 1854. Creizenach's Reform society set no limits on the development of Mosaism, repudiated the Talmud, and even abolished circumcision. It did not last long, either, and it deserves mention here only because it also was not founded by any men of Jewish erudition.

In 1845, the «Cooperative for Reform in Judaism» [«Genossenschaft für Reform im Judentum»] was founded in Berlin by two educated Jewish laymen who were immediately joined by a number of heads of household from the most well-to-do circles. They issued an «appeal to the German brethren in faith» for the convocation of a synod «that would renew and continue Judaism in the form in which it is capable and deserving of living on in us and in our children» (Philippson 1907, p. 205). But since the membership of the cooperative rose substantially—to 300 members—within such a short period of time, they did not wait for such a synod to come into being; rather, they quickly established their own prayer service on the major holidays with a new, quite radical ritual. After that, it was not long before the Saturday service was moved to Sunday in this Reform congregation. For most Rabbinic scholars, the

radicalism of this laity-driven reform was too great, and it was only after a long search that Rabbi Samuel Holdheim was willing to take over the leadership of this congregation community.

The [Second] Rabbinical Conference, which was held in Frankfurt from July 15–28, 1845 and to which the Berlin Reform community also sent a deputation, took place in a friendly manner without giving its consent in principle to the Reform movement (see *Protokolle* 1845, pp. 163 ff.). But by now the Reform community felt so strong and independent of the rabbis that it went ahead with its Reform without the consent of the Rabbinical Conference.

c) The rabbis and the Reform

Berlin was not the only city where the lay element was trying to influence the reform undertaken by the rabbis: everywhere, the more educated and wealthier classes (one inseparable from the other) came together and called on the rabbis to give Judaism a new form. The Second Rabbinical Conference in Frankfurt in 1845, for example, received a total of twenty-two addresses from the most diverse places. Some of the characteristic ones are reproduced below (*Protokolle* 1845).

From the «Society for the Improvement of Jewish Conditions» [«Verein für die Verbesserung jüdischer Zustände»] in Mannheim, 237 letters were received inviting the Rabbinical assembly to consider that:

«a) the duration of the prayer service be limited in a manner appropriate to the practical social needs of our time, and b) the entire prayer service, like those at the same customary ceremonies, insofar as they are indispensable, (be) arranged in a dignified manner appropriate to the customs and mentality of our time.» (*Protokolle* 1845, pp. 239 f.)

A «Memorandum from Breslau» states (p. 249):

«If this ambitiousness, as it now prevails in the area of Judaism, produces nothing but a restless activity, if it ultimately prevents religion from taking a form in which it penetrates hearts and satisfies them authentically through its forms and regulations, from having an ennobling rather than an inhibiting impact on social and civil life, then it is natural that participation will cool down again.»

And further on we read, again from Breslau (*ibid.*, pp. 251 f.):

«A religion cannot fulfill us, it cannot function as a vital force if it must tolerate being ignored, and the striving must be such that we joyfully commit to all its teachings and duties without colliding with the whole culture of the time, without colliding with the whole structure of the state and society. (...) How shall we promote craft and agriculture among the Jews if they continue to face even more obstacles posed by the feast days? (...) Or is this to be the fruit of our love for our fatherland, that we deprive it of our activity?»

All other petitions are also formulated in the same manner. They call on the rabbis more or less openly to reform Judaism with consideration for the new bourgeois conditions. In doing so, they quietly echo the threat that they would otherwise not be able to guarantee they would remain in Judaism.

Toward the end of the 19th century, there was a progressive dulling of religious conflicts. The prosperous Jewish bourgeoisie was so carried away by the capitalist current of its era that it no longer had the time or desire to concern itself with reforming Judaism; indifferentism and mixed marriages grew at an alarming rate (see Dubnow 1929, p. 335). By now, very few laymen were able to exert their influence on the shaping of Judaism, but there was one area in which their intervention would have been truly effective: namely, in the municipal administrations, to which the rabbis were subordinate in Prussia by virtue of the 1847 regulations. The municipal authorities were completely ignorant of Jewish matters and spared no laws and dogmas that to them seemed «outmoded»; they weeded out «inappropriate» prayers as they saw fit, and even today, the board of the Berlin Jewish Community (Berliner Jüdischen Gemeinde), for example, exercises this right to intervene in purely religious affairs. It is obvious that the importance of the rabbis was destined to diminish given these conditions. But even in lay circles, interest remained almost exclusively limited to this narrow circle of the powerful members of the board.

It was not until the beginning of the 20th century that the liberal rabbis rallied again and, after long deliberations, issued the *Guidelines for Liberal Judaism* [*Richtlinien für das liberale Judentum*] in 1912. The lay element, by then completely indifferent, did not take any active part in the deliberations. It did, however, have a passive but powerful influence on the drafting of *Guidelines*, insofar as this document attempted to save what it still seemed possible to save. The *Guidelines* sought to sanction the current state of affairs for the majority of German Jews, and thus give them the impression that they were still living according to the spirit of Judaism; it was intended to once again offer them the possibility of participating autonomously in the development of Judaism.

Of particular interest is the ideology with which the rabbis themselves justified the influence of the lay element on the spiritual development of Ju-

daim, especially on the spiritual development of the Reform: «Judaism does not recognize any difference between rabbis and laymen» (*Protokolle* 1845, p. 154; cf. the Protestant Synodal Constitution!). This principle is undoubtedly a long-standing one in Jewish history, insofar as it implies that after the destruction of the Second Temple, there is no longer any priesthood in all of Judaism that, because of its office, had a special influence on the shaping of Jewish life. But what the liberal rabbis wanted to conceal, or did not want to see, was the flip side of this fact. After the fall of the priesthood, the rabbi became the decisive figure in Judaism, one whose importance was derived not from an office conferred on him by birth or for other reasons, but solely from his self-acquired knowledge [Wissen] and erudition. The «laymen» of the Reform, however, were neither priests nor men of Jewish erudition. Rather, as we saw, they were representatives of the richest capitalist class. But this «distinction» never replaced that of Jewish knowledge and ability.

To summarize: from the conflict between the historically national form of Judaism and the demands of the economic, social, political, and intellectual life of the new era, the need arose—first for those classes that were most strongly integrated into German capitalist society, and later for other classes as well—to create an ideology that took into account all the requirements of the new world and yet made it possible to remain in Judaism. The bearer of this new ideology was initially the bourgeois-capitalist class itself, and this was for two reasons: first, this class needed the new ideology itself most urgently; but then secondly, in this epoch of integration—that is, from about the mid-18th to the mid-19th century—no rabbis and professional ideologues had emerged who could have carried out the sanctioning and further training of the required ideology on a full-time basis. The old-style Jewish rabbi was above all an exponent of Jewish scholarship and not—like the new type of rabbi—a preacher and orator on joyful and sad occasions. The new type of rabbi, the Jewish pastor and clergyman who stood in contrast to the old type of Jewish rabbi not only in terms of his ideology, but also in terms of his whole way of being, only emerged as the need grew toward the mid-19th century. He could only exist when not only individual citizens had become representatives of the new ideology, but also when the majority of the community represented it and was in the position to employ a Reform rabbi.

Samuel Holdheim, one of the most radical Reform rabbis, is a good example of the new type of rabbi. He was initially employed in the Orthodox community of Frankfurt am Main, where he led the life of a strictly Law-abiding rabbi. But when he later found employment in a congregation that was already in the grip of the Reform ideology, he underwent a great change of heart: this Orthodox rabbi became one of the most radical reformers—one who ultimately ended

up as the rabbi of the Reform congregation in Berlin that had introduced the Sunday service.

The new type of rabbi came into being when the integration of German Jews had progressed to the point where the congregations could appoint Reform rabbis, some of whom then worked together and alongside the old-style Rabbinic scholars. This new rabbi figure found himself in a difficult situation: on the one hand, he had to meet the needs and demands of his patrons and proceed along the ideological path begun by Friedländer and Jacobson, the one that demanded the total elimination of all contradiction between Judaism and the economic and cultural needs of the new era. On the other hand, as a rabbi, he had to be careful to keep the distinctive and specific nature of Judaism alive in the consciousness of the Jewish citizens if he did not wish to make his task and himself illusory.

The new rabbis attempted to cope with their situation by—so to speak—picking up the boundary posts of Judaism and, with them, chasing after the Jewish bourgeoisie that was running away from Judaism. As soon as the Jewish bourgeoisie stopped and the rabbis had caught up with them, the rabbis quickly put the boundary posts back into the ground. In this way they were able to explain to their patrons that yes, they were on Jewish soil—without having to admit that rather than acting as spiritual guides, they had let themselves be carried away by the economic development of German Jewry.

3. The development of the Reform ideology

a) The Reform ideology in the hands of Moses Mendelssohn

Before delving into the details of the Reform ideology, we must first recall what we have said above about the essence and particularity of Rabbinic Judaism. The essence of Rabbinic Judaism can be defined as the general binding nature of the «Law» that has grown out of a certain fundamental religious attitude, and as the non-binding and non-committal nature of all the different systems of thought and belief that are possible from this attitude.

The collision between historical Judaism and modern capitalist culture gave rise to a twofold conflict: one between the basic metaphysical attitude of Judaism and the spirit of the times, and one between the demands of the Law and the demands of the new economy and society. In the terminology of Alfred Weber, the conflict can be defined as the opposition between the two «cultures» [Kulturen] and the two «social bodies» [«Gesellschaftskörper»].

Judaism's freedom from dogma left a fairly wide scope for the subjective

interpretation of its basic spiritual attitude. Only in this way can the ideology of Moses Mendelssohn, the forerunner of the Reform, be explained. Mendelssohn was too familiar with the essence of historical Judaism to be ignorant of the fact that the Law, with its universally binding character, constituted the essence and specialness of Judaism. He was also too sincerely and completely convinced that the primacy of Judaism took precedence over the demand for emancipation to ever deny, against his better judgment, the importance of the Law. Moreover, he lived at a time in which the government still insisted on the Jews' observance of the Law and loyalty to tradition, and in which economic integration was only just beginning, with the result that the disruptive effects of the Law were only gradually becoming apparent. It was in this context that Mendelssohn developed an ideology that, while still in principle doing justice to the essence of Rabbinic Judaism, was in its distortion already the first attempt to reconcile Judaism with the culture of the time.

Moses Mendelssohn affirms that the Law is the only constitutive element of Judaism, and that mind and faith were completely free. This is clearly stated in his book *Jerusalem, or on Religious Power and Judaism* [*Jerusalem oder über religiöse Macht und Judentum*]:

«Among all the prescriptions and ordinances of the Mosaic law, there is not a single one which says: *You shall believe or not believe*. They all say: *You shall do or not do*. Faith is not commanded, for it accepts no other commands than those that come to it by way of conviction.» (Mendelssohn [1919] 1983, p. 100.) «Hence, ancient Judaism has no symbolic books, no articles of faith. (...) Indeed, we have no conception at all of what are called religious oaths; and according to the spirit of true Judaism, we must hold them to be inadmissible. (...) Thank God, they [the 13 Dogmas of Moses Maimonides] have not yet been forged into shackles of faith.» (Ibid., p. 101.)

«Religious and moral teachings were to be connected with men's everyday activities. The law, to be sure, did not impel them to engage in reflection; it prescribed only actions, only doing and not doing. The great maxim of this constitution seems to have been: *Men must be impelled to perform actions and only induced to engage in reflection*.» (Ibid., pp. 118 f.)

«In this original constitution, state and religion were not conjoined, but one; not connected, but identical. Man's relation to society and his relation to God coincided and could never come into conflict. (...) Hence, in this nation, civil matters acquired a sacred and religious aspect, and every civil service was at the same time a true service of God.» (Ibid., p. 128.)

«Whoever blasphemed God committed lese majesty; whoever sacrilegiously desecrated the Sabbath implicitly abrogated a fundamental law of civil society, for an essential part of the constitution was based on the establishment of this day. (...) Under this constitution these crimes could and, indeed, had to be punished civilly, not as erroneous opinion, not as unbelief, but as misdeeds, as sacrilegious crimes aimed at abolishing or weakening the authority of the lawgiver and thereby undermining the state itself.» (Ibid., p. 129.)

«This constitution existed only once; call it the *Mosaic constitution*, by its proper name.» (Ibid., p. 131.)

Moses Mendelssohn sees only the Law in Judaism, and overlooks the unspoken—but nevertheless immanent—basic religious and mental attitude that enables the creation of a variety of individual forms. This one-sided ideology of Mendelssohn's can be explained by the necessity of the desire to assume the spirit of contemporary German culture while remaining faithful in principle to historical Judaism. Mendelssohn befriended Lessing, became a celebrated popular philosopher of the Enlightenment, and placed himself at the center of contemporary thought. Whenever he saw a certain spirit embodied in Judaism, he grasped it entirely through the intellectual lens of his time and adapted himself to it. For this reason, he did not attempt to recognize the spiritual and religious basis from the Law itself.

Corresponding to the views of his time, Mendelssohn believes that the faith of Judaism is the faith given to all men a priori by reason:

«Judaism consisted, or, according to the intention of the founder, was to consist of: Religious doctrines and propositions or eternal truths about God and his government and providence, without which man cannot be enlightened and happy. These are not forced upon the faith of the nation under the threat of eternal or temporal punishments, but, in accordance with the nature and evidence of eternal truths, recommended to rational acknowledgement. They did not have to be given by direct revelation, or made known through word and script, which are intelligible only here and now. The Supreme Being has revealed them to all rational creatures through things and concepts and inscribed them in the soul with a script that is legible and comprehensible at all times and in all places.» (Ibid., p. 126.)

Mendelssohn's particular ideology draws its reasoning from his specific historical situation. Given his way of life and his theory of Judaism, he remains predominantly a representative of national Rabbinic Judaism. From a sociological

point of view—and also, in part, given his unconscious mental attitude—he thoroughly belongs, and this bears repeating here once again, to the beginnings of the Reform, because it is through his connection and alliance with the spirit of the times and its representatives that he makes the Jews salon-ready, opening the way for them into bourgeois society and thus unconsciously ushering in the epoch of «Reform» that logically had to follow.

b) The ideology of the Reform movement

Once the step toward bourgeois society had been taken, it was impossible to stay frozen in Mendelssohn's ideology: inevitably, this ideology was turned into its opposite. The more intensive the integration of the Jews was and the more classes it encompassed, the greater the contrast between the Law and the practical demands of life had to become. Living according to the Law had become impossible for those Jews for whom there was no longer any primacy of Judaism over economic integration, and who wanted to be completely absorbed into economic and social life. Mendelssohn's ideology of the Law, which had allowed the Jews to take the first step toward integrating into the spirit of the time, had served its purpose and was discarded.

The ideology of the Reform was virtually the opposite of that of Mendelssohn. It had the following basis: the Law is immaterial in Judaism; rather, Judaism is a commonality of faith, and its particularity lies in the particular faith, above all the ethical monotheism, that it has bestowed upon the world. Once the Law was declared non-binding, the acceptance of a certain faith and various dogmas was a necessary ideological consequence if anything solid and specific was to remain of Judaism at all. The fact that there were strong links between this ideology and the Protestant ideology prevailing in Berlin is only hinted at here. And it goes without saying that the newly created Jewish dogmas were entirely in keeping with the times.

The Reform ideology found itself faced with an ideological conflict: on the one hand, the principle that the specific nature of Judaism could not be embodied in a certain way of life had to be upheld; on the other hand, the dogmas that conformed in all respects to the ideas of the time no longer justified the existence of a particular religion. To get out of this dilemma, the Reform ideology resorted to the following arguments:

- 1) Since the Jews were the first to discover the universal ideas of the time (monotheism), there was no historical basis to any reason for them to convert to other religions that, after all, had derived this belief precisely from Judaism, even validating it.

- 2) Although the Law as a whole and as a legal principle was not binding, there were some religious historical reforms that are specific to the Jewish religion and that should be retained as distinctive features.

Against the background of this fundamental character of the Reform ideology, the following will examine how the Reform ideology developed more specifically. A first step of the Reform is the displacement of the position of the Law in Judaism: the Law is declared a non-constitutive and no longer central component of Judaism. In line with this orientation, the Talmud as the most essential proxy of the Law is also necessarily rejected:

«Ben David says that Judaism must become a true natural religion, with faith in God, in immortality, and the departed spirits' progression to perfection. The «mischief with the shameful, senseless» ceremonial Law must stop. Ben David called upon the state government to abolish it by force. Although some would otherwise abandon Judaism, «the rest would crawl closer together and pursue their tomfoolery with greater zeal.» (Quoted in Philippson 1907, p. 150.)

In 1848, the Berlin Congregation of the Jewish Reform Alliance [Berliner Reformgenossenschaft] announced its program: «Rejection of the Talmud and the Messianic Doctrine, Return to the Holy Scripture» [«Verwerfung von Talmud und Messiaslehre, Rückkehr zur heiligen Schrift»]. Abraham Geiger [1810–1874], the most prominent of the Reform rabbis, stated in the *Jewish Journal for Science and Life* [*Jüdische Zeitschrift für Wissenschaft und Leben*], which he himself edited: «The Judaism of Palestinian nationality and of conventional statutes is dead; but the Judaism that embraces humanity, that has prophetic ideas as its guiding star, lives.» (Geiger 1872, p. 3.)

Michael Creizenach called for the creation of a [new] *Shulchan Aruch*, of a law-book, that [unlike the old *Shulchan Aruch* from 1565] would be adapted to the demands of the modern era [see also Meyer 1988, pp. 120 f.]. In 1842, his son Theodor founded the abovementioned Society of the Friends of Reform in Frankfurt am Main, and, in a programmatic declaration, wrote: «The collection of controversies, treatises, and precepts commonly referred to as the «Talmud» has no authority for us, whether dogmatically or practically.» (Quoted in Dubnow 1929, p. 99.)

The minutes of the proceedings of the three Conferences of the Reform Rabbis represent one of the most important sources for the study of the history of the Reform. There, we find the idea expressed countless times that Judaism has ceased to be a religion of law. What follows are a few examples. At the Third Rabbinical Conference, that of 1846, Auerbach says:

«The other collision, however, consists in the rigid, razor-sharp form of legality, for which the Sabbath also becomes a civil institution, a state law, and which in the Talmud has been spun out into the smallest details, into a web that hinders advancement. Here is the basis of our action, for it is precisely this rigidity that has contributed to alienating minds from the Sabbath.» (*Protokolle* 1847, p. 13.)

The Sabbath Commission (pp. 351 f.) notes:

«In presenting in brief outlines the history of the interpretation of the Sabbath idea, the Commission believes that it may establish the general principle, in full consonance with the spirit of the Conference, that we must hold fast to the concept of the Bible, that it may endure modification in its individual consequences only if these are based on specific, transformed circumstances; the view of the Talmud, on the other hand, may demand only historical consideration and can claim validity of its consequences insofar as they are still deeply rooted in life, be it that the Talmudic conception still harmonizes with our present-day concepts, or that other reasons belonging to our strife of ideas have gradually subordinated themselves to the consequences.»

Finally, let us hear a voice that opposes the anti-Talmudic tendency of the Conference and the Commission on the Sabbath. Ben Israel (*ibid.*, p. 136 f.) says:

«We must not allow ourselves to be too carried away by those who request a reform of the Sabbath, for they will never, ever be satisfied until we allow them to do business, which we all hardly can—or are willing to—accept. (...) In order to avoid the reproach [of agreeing by silence], I find myself finally compelled to reject, in the strongest possible terms, the liberal views of the Holy Scriptures expressed by some of the speakers before me in the name of the Conference, as well as the assertion that the Conference has completely cut all ties with the Talmud, and that it has lost all validity for them.

c) The Reform ideology in Liberal Judaism

The orientation against the principle of the Law itself can be found later among the contemporary reformers [specifically, those at the beginning of the 20th century]. In a general paper on the «Guidelines for a Program for Liberal Judaism» [«Richtlinien zu einem Programm für das liberale Judentum»], the spiritual leader of Liberal Judaism, [Caesar] Seligmann, says:

We do not—as has probably happened at times—take sides between the Bible and the Talmud, declaring that the Bible is divine and the Talmud is human; it is clear, however, that for us, the fundamental religious authority is represented in particular by the prophetic revelation of the Bible, and this is because in this revelation, the religious-ethical, the universalistic, the eternal-divine of a classical expression is found that *has not been attained* until now and is, according to our religious conviction, unattainable. (*Richtlinien* 1912, no. 26.)

The same indifference, at least with respect to the Law, can be found in the introductory and central paragraphs of the *Guidelines* (no. 56):

«I. «Liberal Judaism» recognizes the essence of the Jewish religion in its eternal truths and basic moral precepts, which had the historical destiny of forming into a universal religion.»

This idea is also clearly expressed in Seligmann's reply to an Orthodox attacker of the *Guidelines* (Seligmann 1913, p. 41). Finally, let us quote the statement of one of the leading English ideologues of the Reform, Claude Montefiore [1858–1938]: «The truth is that liberal Judaism has ceased to be legal religion» (Montefiore 1903, p. 95).

The liberal Jew cannot recognize the Law as the most essential aspect of the Jewish religion. The Law constitutes the Jewish nation. Consequently, any violation of the Law is also a violation of the national character of Judaism and vice versa. The goal of German Jewry was complete integration into German economic, cultural, and social life. As a people, however, it was not possible to remain within the German nation without perpetuating the dividing walls. It was thus one of the main tendencies of the Reform to deny the national character of Judaism and, above all, to abolish those laws that most visibly demonstrated this national character. This anti-national orientation of the Reform—or, to put it the other way around, this anti-Law tendency of the anti-nationalists—was, from a sociological point of view, necessary. After all, the Law is the link between the physically constituted ethnic body and the religious meaning of which this body becomes the bearer. If the ethnic body is negated, then the Law in its binding character becomes superfluous and obsolete.

Let us now try to illustrate this anti-national tendency with a few examples. Friedländer already spoke of how

«(...) the Jewish people were to be «transformed» in their customs, ways of expression, schools, and especially in their religious services (...); these were

to be conducted in German and stripped of any Jewish-national content.» (Philippon 1907, p. 158.)

But the rich were so indifferent that they did not even bother to take sides.

It is also significant in this context that «the Hebrew and Jewish-German language» had already been «declared inadmissible» with the Emancipation of 1812 (Dubnow 1920, p. 209). Gabriel Riesser [1806–1863], a lawyer from Hamburg, member of parliament, and leading advocate of emancipation, argued (see Dubnow 1929, pp. 50 f.) that «after the death of its national body, the soul, the religion, was preserved for the people»; of the «material community ties of Judaism, only the ‘ancestral kinship’ remained intact.»

Michael Creizenach’s Society of the Friends of Reform, based in Frankfurt, professes in the third point of its statutes that:

«A Messiah who would lead the Israelites back to the land of Palestine is neither expected nor desired by us. We do not recognize any fatherland as the one to which we belong by birth or civil relationship.» (Quoted in Dubnow 1929, p. 99.)

This «Manifesto of Free Thought» [«Manifest des Freidenkertums»] (Dubnow 1929, p. 99) provoked outrage, especially after it became known that there was a fourth, undisclosed point calling for the abolition of circumcision.

At the Second Rabbinical Conference, which took place in Frankfurt in 1845, Abraham Geiger [1810–1874] argued that:

«also, if the Hebrew language were declared an essential component of Judaism, it would be tantamount to saying that Judaism is a national religion, since a special language is a characteristic component of a separate popular life, but the necessary connection between Judaism and a separate nationality would certainly not be affirmed by any of the members of this conference.» (Protokolle 1845, p. 33; cf. Dubnow 1929, p. 105)

In 1843, Samuel Holdheim [1806–1860] published *On the Autonomy of the Rabbinic Sages and the Principle of Jewish Marriage* [Über die Autonomie der Rabbinen und das Prinzip der jüdischen Ehe], a book in which he demanded that in Judaism, the political-national elements be strictly separated from the religious ones; only the religious-moral laws would then remain to regulate individual life (cf. Dubnow 1929, p. 101). Ludwig Philippon [1811–1889] put forward the proposal for a synod that would restore unity and strength to the German Jews, who had ceased to be a people and remained merely a religious

community. And Claude Montefiore spoke of himself and the liberal Jews, saying that they regarded Judaism as a religion and themselves as a religious community, but not as a nation (Montefiore 1906, p. 177).

The 1912 *Guidelines for a Program for Liberal Judaism* speaks only of a «community of faith.» By this point, the anti-national tendency has become so self-evident that the anti-national character need hardly ever be expressed specifically. At most, this character is still manifested with the greatest clarity in the affirmation that all laws «that have connections with the soil of Palestine and the folk customs of the Orient» must be annulled (*Richtlinien* 1912, p. 36). The anti-national orientation of the Reform is also very clearly recognizable in the changes it made to the traditional order of service, where all passages in which one prays for a return to Palestine—indeed, all passages that express a national significance—were expunged. The Reform’s decisive opposition to nationalistic Jewish Zionism shows the same tendency.

4. The attitude of the Reform toward the Jewish Law

a) The assimilationist tendencies of the Reform

The anti-national orientation was accompanied by a strong assimilation of German Jewry into bourgeois society in general, and of Judaism into the dominant religion, Christianity. Here, three levels of assimilation can be distinguished:

(1) The assimilation of Judaism into the Christian religion, a process that stripped Judaism of its national character and ascribed to it the character of a religion. (2) The assimilation of Judaism to the requirements of the economy and society. (3) The assimilation of the Jews as bearers of a certain spirit into the spirit of capitalism.

The assimilation of Judaism into the Christian religion was in principle already consummated with the proclamation of Judaism as a commonality of faith, a «religion» or «denomination.» All individual assimilations into Christianity are merely consequences of this fundamental circumstance. This is how the German sermon became the center of the service, choir and organ were introduced, adolescents were required to make a profession of faith upon turning 13 years of age or later, and German replaced Hebrew as the language of prayer.

All of the abovementioned reforms were already introduced before 1815 by Israel Jacobson, the president of the Kassel Consistory, then taken up again by David Friedländer and embraced by the Reform rabbis; today, they are undisputed components of Liberal Judaism. Then there was the Reform rabbi

figure, who—as we have already stated above—was primarily a clergyman and pastor whose role grew out of the assimilation to the Christian clergyman, and who was not a figure like the Jewish scholar of old. The internal assimilation even went as far as the adoption of the official dress, which itself then became a symbol of internal assimilation. Concurrently, the overall attitude of the Jews toward Christianity was becoming friendlier, a process that had already been observed among the Karaites. Two statements from Claude Montefiore illustrate this trend well:

«More especially liberal Judaism (but here I only speak for myself) does not say : Whatever is new in the New Testament is not true, and whatever is true is not new. It does not say that Jesus of Nazareth was not inspired.» (Montefiore 1903, p. 91.)

And:

«The New Testament is the «supplement, the complement» and the expression of Jewish doctrine and of Jewish truth.» (Ibid., p. 181.)

It is difficult to substantiate the direct influence of economic necessities on the new Law of the Reform, because—as we have already shown—the Reform assigned only a subordinate role to the Law in the first place, and because—as we will later show—it [the Reform] carefully avoided establishing precise principles and contrasting the old Law, whose binding nature it negated, with a newly formulated or amended one. But in those areas where the Reform did in fact take a concrete form and an official stance, the economic causes and influences are directly and immediately apparent.

A principled stance on the Law could hardly be expected of the lay Reformers, since they rejected it outright. Our investigation here must therefore extend to the actual bearers of the ideology—that is, to the Reform rabbis. From an economic point of view, there were two institutions that were directly disruptive: the Law's provisions concerning the Sabbath, which pronounced a strict prohibition of work, and the dietary law, which increased the cost of living and made permanent or temporary residence in areas not inhabited by Jews impossible.

On the question of the Sabbath, the Third Rabbinical Conference declared:

«That if a cessation of one's occupation jeopardizes his livelihood, the attending thereto on the Sabbath by non-Israelites is permissible [and] that in cases where the entire temporal well-being, where property and possessions, where

the means for future livelihood are threatened, no religious duty is violated if precautions to save these are taken on the Sabbath, nay, if even the actual work of saving is done on the Sabbath.» (Philipson 1906a, p. 648.)

It is immediately clear what was being expressed—explicitly and implicitly—in principle by this still somewhat obscure formulation: civil professional life would now take primacy over the strict requirement of the Law stipulating that all work be suspended on the Sabbath (and that even the continuation of business by a non-Jew was forbidden). The paragraph meant a *de facto* abrogation of the Sabbath. That this was the intention is also clear from the justification given by its petitioner:

«Wechsler justifies this request by simultaneously pointing out the urgency of the situation. Take for example the Jewish colonies being established in Posen [Poznań], he says, where at harvest time the work of the Israelites could become truly indispensable.» (*Protokolle* 1846, p. 174.)

The Third Rabbinical Conference's abolition of the second days of the holidays [*yom tov sheni*] was also intended to facilitate working life:

«The conference declares (...) that the second days of the holidays, viz. the second and eighth days of Passover, the second day of the Feast of Weeks, New Year, the Feast of Tabernacles, and the Feast of Conclusion, have no longer any significance for our time according to our religious sources.» (Philipson 1906a, p. 650.)

The provisions of the Law governing the mourning of parents, children, and siblings were also abolished, since the seven-day ban on work [during *shiva*] was too much of a hindrance to professional life:

«The conference declared it to be advisable that the mourner remain at home the first three days, counting from the day of burial (instead of the first seven as hitherto), in as far as this is compatible with the higher duties of life and considerations of health.» (Ibid., p. 654.)

Falling within the same framework is a question raised by a Jewish soap boiler regarding

«whether the ban on pig breeding would apply to him, in which case he, a soap boiler by profession, would suffer great economic damage to his household» (*Protokolle* 1845, p. 174).

He was informed that, according to strict custom, the Israelites were not allowed to raise livestock; however, this custom would have to give way if it presented a significant obstacle to the business of agriculture. Should that be the case for him, the answer to his request—he was told—was in his favor.

We have already shown how radically the Berlin Congregation of the Jewish Reform Alliance resolved the Sabbath problem by moving the Sabbath to Sunday. But in the official report on the *Guidelines*, we can read how the shifting of the Sabbath to Sunday was already permitted in the *Guidelines* as well; note this quite harmless-sounding line: «There can be no objection to a sermon service on Sunday or other days of the week, even under religious law, so long as the Sabbath service retains its full consecration.» Claude Montefiore (1903, p. 139) also balked at simply moving the Sabbath to Sunday, but he knew how to get around it: «The conflict must, therefore, for the present be left as it stands. If the Saturday be maintained, the Sabbath must be violated; to the day on which it would not be violated it cannot be transferred.»

On the question of the dietary law, let us reproduce here a typical statement made at the Second Rabbinical Conference (1845):

«Consider, however, the eternal alienation that these very dietary prohibitions perpetuate; how can a convivial rapprochement take place if the meal must remain a divided one! But since we give our undivided love to the fatherland as our land, since we do not indulge in dreamy hopes for the recovery of a Jewish state, the need for a complete union with our fellow-statesmen, without distinction of faith, has become so urgent that any hindrance to social relations is undoubtedly tantamount to undermining the faith, robbing it of its dignity and consecration.» (*Protokolle* 1845, pp. 252 f.)

The *Guidelines* (1912) only followed through on this view when it declared all Laws introduced specifically to «hinder relations with non-Jews» and for «sanitary reasons» to be null and void. (As is well known, the rationalistic interpreters had already attempted to trace the dietary laws back to certain sanitary protective measures.)

b) The non-binding nature, and individualization, of the Law in the Reform

For the Rabbinic understanding of the Law, it was essential that the Law be binding on everyone, that it apply to the nation as such, and that it prescribe to each individual exactly what he must and must not do without it being in his

power to pick and choose the laws that he happened to like or find agreeable. The applicable Law was determined either by entities formally authorized to do so or by the adoption of significant codifications.

The Reform arrived at its decisive changes by abolishing the rigid bonds of the Law and leaving it to the individual to decide at his own discretion what in the Law he recognized and accepted as binding. The Reform regarded this process as so essential to its whole edifice of ideas that it even adopted a second name to express it: «Jewish Liberalism.» (A name, however, that cannot honestly be equated with political liberalism, since it was precisely those exponents of the Reform in the Jewish communities who were the worst autocrats!)

The Reform refused to establish a universally valid Law; instead, it elevated the autonomy of the individual in matters of compliance with the Law. That with this «liberalism» it was merely making a virtue out of a necessity is clear from everything we have said above. If the leaders had said that the prerequisite for being Jewish involved legalism of any kind—even of only a very limited degree—then the Reform would have lost a large number of followers who were unwilling to have any kind of oppressive shackles imposed on them whatsoever. But scaling back the Law significantly meant reducing oneself as a rabbi—that is, as a representative of a rather concrete and historical «religion»—to an entirely illusory and impractical figure. Liberalism, which by definition and content implicitly contains an entire attitude toward the Law, but which is also explicitly expressed at many points, was therefore chosen as a compromise.

Among the Karaites, the individualization of the law-books was an essential element, so much so that each teacher composed his own. In the case of the Reform, it was no longer each teacher but rather each individual Jew who was to decide on the Law. Of sociological significance here is the phrasing used to justify upholding the few laws that remained: nothing specific was commanded; rather, it was always the case that only something non-specific was deemed good and desirable, and each instance of noncompliance was immediately positively classified as an exception. Left entirely to the free discretion of the individual, for example, was the observance of the Sabbath rest, as can be seen from the following formulation presented by commission member Kahn at the Third Rabbinical Conference: «However, when it is said that any non-commercial and non-strenuous activity is permitted, it must be added that this excepts the lighting of fire, since this is expressly forbidden in the Bible and we do not want to and cannot deviate from it.» (*Protokolle* 1847, p. 49.)

Regarding the Sabbath, the Third Rabbinical Conference resolves:

«The conference declares: (...) that the over-great rigor of existing commands for the observance of the Sabbath is injurious to such observance. Therefore

those far-fetched hedges which are intended to produce complete leisurely rest are not binding.» (Philipson 1906a, p. 648.)

And the *Guidelines* (1912, p. 39) stipulate:

«The celebration of the Sabbath and the feast days is carried out by: a) consecrating the feast at home, b) attending public services, c) abstaining from any commercial activity, that is, work not absolutely necessary for the maintenance of life. The Day of Atonement, being the highest Sabbath, calls for unrestricted sanctification.»

Whereas in Rabbinic Judaism, every single forbidden act was enumerated and casuistically determined in great detail, in the Reform, the generality and expansibility of the statements is striking—for example, in the main statements on the Sabbath at the Third Rabbinical Conference:

«The conference declares: (...) That the restoration of a worthy celebration of the Sabbath as a day of rest and consecration is one of the most sacred tasks both of the Israelitish teacher and of each individual Israelite, and that therefore attention must be devoted particularly towards arousing an ever livelier consciousness of the holiness of the Sabbath by an edifying divine service and by the furtherance of Sabbath consecration in the homes.» (Philipson 1906a, pp. 647 f.)

In the amendments to the mourning customs mentioned above, we come across a particularly typical phrase: the Conference declared it «advisable that» (Philipson 1906a, p. 654).

A clear statement in favor of the individualization of the Law comes from Claude Montefiore [1858–1938] in his book *Liberal Judaism* (1903, pp. 125 f.):

«In themselves the laws are to him [the Liberal Jew] no longer good because they are divine. They are only divine if they are good. But he will not refuse to obey a law, or regard its public observance as undesirable, merely because it is a ceremonial law, or merely because he can no longer believe that it was divinely revealed to Moses by God. Its observance may still be desirable from different motives.»

Regarding the dietary laws, he says:

«The Pentateuchal dietary laws can usually be obeyed without violating any higher civic duty. Under such circumstances, their observance may act as a

reminder of our special duties to God and man, and as a simple exercise in self-control and self-denial. (...) The dietary laws concern our private lives. For my part I would neither say that a liberal Jew did unwisely in transgressing them, nor yet that he acted illogically in observing them. But if he observes them, it is of necessity for very different reasons from those of his orthodox brother. (...) It must be left to each individual to balance these conflicting arguments and to decide between them.» (Ibid., pp. 131 f.)

When it came to the Sabbath, Liberal Jews considered two things important: it should be a day of rest, and at least two hours of it should be devoted to the worship of God. The family-friendly services in the synagogue was allowed to be modified according to the inclinations and views of the families. The Sabbath services were also expected to vary entirely from one to the next, for sameness was monotony to many, and monotony was death. [Regarding Passover,] it was not considered of essential importance that one eat only unleavened bread for the entire week. And although Liberal Judaism also did not believe that God commanded all Israelites to fast on the Day of Atonement, there was nothing preventing them from fasting out of self-discipline.

Just as vague as the Liberal Rabbinic association's formulations were their guidelines regarding the Sabbath and festivals:

«The Sabbath and festivals, those bearers of the most significant religious thoughts and memories, are to be solemnly observed through participation in divine services. On the days on which they take place, anything that interferes with their worthy celebration should be avoided; however, anything that does not interfere cannot be considered forbidden. Therefore, all aggravations arising from the extension of the commandment of rest have no claim to validity. In any case, all weekday work must be suspended. If economic circumstances prevent one's full observance of this precept, greater effort shall be made on their part to observe domestic rest, participate in religious services, and keep holy Friday evenings and the eves of the festivals. Their solemn customs—the lighting of the candles, the parents' blessing, the thanksgiving over wine and bread, the observance of the Seder, and the celebration of Chanukah—shall live on in their ancient significance in our homes, surrounded with renewed consecration.» (*Richtlinien* 1912, pp. 59 f.)

The above formulations are extremely indicative of the spirit and method of the Reform. The Sabbath law was now formulated only in very general terms: it is «to be solemnly observed»; «anything that interferes with [the festivals'] worthy celebration» is to be avoided; «all weekday work must be suspended.»

Yet these same general formulations, which still leave maximum freedom to the individual and are as good as non-binding when compared to the Jewish Sabbath law, were still felt to be too harsh, with the result that priority was given to economic conditions. The Jewish Sabbath was conceived as the strictest abstention from work, the total suspension of business and gainful activity. Now, it was the minor details, such as the parental blessing or the lighting of the lights—traditions that, incidentally, happened to lend a certain comfort to the bourgeois atmosphere—that were deemed important aspects of the Sabbath that must be maintained.

Equally vague and individualistic is what the *Guidelines* say about prayer: «Daily household prayer is to be cultivated as one of the most valuable means of fostering religious life.» (*Richtlinien* 1912, p. 60.) But as if it were not enough that a «cultivation» of household prayer replace the obligation to pray three times a day, the very content of prayer was now completely individualized. The formal-collectivist Eighteen Benedictions were replaced by modern hymns, poems, and new prayers adapted to the individual sensibilities of a particular group. Any passages that were no longer suited to one's own needs and sense of time were taken out of their millennia-old context and expunged; this development in itself is symptomatic. The national «order» of religious texts was turned into an individual «prayer book.» And about the Psalms, the *Guidelines* (p. 40) had this to say: «In the divine service, the maximum possible space must be devoted to our psalms, in German and Hebrew, as antiphonal chants between precentor and congregation and as congregational singing.»

The individualization of prayer is most evident in this statement from the *Guidelines* (p. 64): «The divine service may be held independent of the number of those praying.» This violated a fundamental principle of Rabbinic Judaism according to which prayer always involved the community, and only in the community found its full meaning.

It was also openly declared that no one wanted to create any obligations; rather, everything should be left to the discretion of the individual, because now that the willpower of the whole had been broken, it was said, the will of the individual must be strengthened. At the Second Rabbinical Conference, Abraham Geiger says, «The conference as such will never discuss principles: it must focus on the exigencies of life» (*Protokolle* 1845, p. 178).

The same thoughts are expressed by Rabbi Dr. [Max] Freudenthal of Nuremberg in his commission report on religious Law:

«It is certainly not the responsibility of the Association for Liberal Judaism [Vereinigung für das liberale Judentum] to pass resolutions binding the whole of Judaism. Rather, as far as the disaffirmance of religious-legal behavior is

concerned, the Association can only and must declare that for the Jews who accept the principles of the Association, such religious laws do not have the character of binding prescriptions, but rather that of, at most, pious traditions, and that the violation of these laws does not constitute a breach of Jewish doctrine, nor their observance a fulfillment of the same. To dispute one's traditional practice of these laws, however, can be neither the intention nor the task of the Association.» (*Richtlinien* 1912, pp. 34 f.)

In his general presentation at the Rabbinical conference in Berlin, Rabbi Dr. Seligmann of Frankfurt (*ibid.*, p. 28) says:

«For this reason, we do not seek with our guidelines to create any kind of new meticulous and painstaking regulation of religious life. Beyond the boundaries and guidelines we have drawn up, there is a wide range of individual opinions and a multiplicity of religious lifestyles that have a right to coexist, and liberalism must be liberal enough to be able to tolerate them all. In our guidelines, we express what we consider to be the minimum ceremonial requirements.»

And the above-quoted Rabbi Dr. Freudenthal of Nuremberg reiterates:

«The Association for Liberal Judaism considers the fulfillment of the religious requirements listed in the preceding section to be sufficient for an Israelite's religious-legal activity. There is no Jewish principle according to which the extent of such observance can be prescribed. All the more reason that it must be left to the individual to decide to what extent he intends to practice those rituals that lie outside the framework of requirements that are generally binding.» (*ibid.*, p. 42.)

c) The lack of principles in the Reform

Once it is understood that the Reform ideology was an expression of the collision between the Jewish historical body and the bourgeois-capitalist historical body, it becomes clear that the Reform possessed no autonomous religious or historical principles on which it could have based itself. Reformers rarely admitted to their lack of principles (as did, for example, Abraham Geiger in the statement quoted earlier). But there was one man who sharply criticized the complete lack of principles, a man who had originally wanted to participate in a moderate reform as a member of the First Rabbinical Conference [1844] but then turned his back on the Reform after becoming disappointed by its lack of principles: Zacharias Frankel [1801–1875].

At the Second Rabbinical Conference, Frankel took a firm stand against the Reform:

«First of all, the leading voices must tell us on which ground they stand, which principles are guiding them. It is the pride of Judaism that no personality and no class may arrogate authority to itself; rather, all decisions must flow from principles and only in this way attain their validity. Each Jew is free to vote and express opinions, but without a principle, everything is merely a private opinion. The people are therefore justified in demanding that we first and foremost state our principle (...). We can no longer return to the letter of Scripture; there is too great a gulf between it and us, and a new exegesis is susceptible to the disparate phases of science and inadequate for building a solid edifice. Shall we even allow the spirit of the age to have a fixed influence? The spirit of the age is as changeable as time itself. Further it is cold; it may appear reasonable but it will never be able to satisfy the heart, to comfort, soothe, and edify; Judaism, however, is always inspiring and edifying. (...) We should not pay any heed to individuals who do not carry out the customs; we are not a party but must have a care for the whole community.» (*Protokolle* 1845, pp. 18 f.—[Modified translation of Philipson 1906b, pp. 253 f.])

The Reform ideologues found themselves not only in a social predicament, but also in a spiritual one. Resorting to the Bible would have meant having to declare as binding a number of laws that were entirely «contrary to the spirit of the age.» Recognizing the binding nature of the Talmud and Talmudic literature meant accepting the same national shackles of the Law that their movement by its very nature sought to break. But if they did ultimately declare all the laws of the Bible and the Talmud to be non-binding, there would remain nothing of their Judaism but a few general spiritual possessions of the time and of other religions, the maintenance of which would require neither Judaism nor rabbis. The first generation of Reform rabbis simplified this issue for themselves by not speaking of any autonomous religious principle at all, opting instead to simply apply whatever principle was necessary so that the cases in question accorded with the truly authoritative principle of the Reform: the spirit of the age, and in particular of the economy.

Israel Jacobson had already solicited corroborative expert opinions from strictly Orthodox rabbis (the authenticity of which, however, is disputed) in order to lend credibility to his radical reform. The same principle of drawing the tools to use against the Talmud from the Talmud itself was also applied by the first actual Reform rabbis. Samuel Holdheim, for example, arguing that individual state governments had the right to abolish any national [Jewish]

laws that did not conform to the framework of general legislation, based his reasoning on two principles derived from the same Talmud that he had condemned to death:

«1. The law of the land overrides Jewish law (*Dina d'malkhuta dina*); 2. All regulations whose precondition is the Jewish territory in Palestine (*Devarim ha'tluim ba'aretz*) are invalid outside of this territory.» (Dubnow 1929, p. 101.)

In other cases, the absence of a principle specific to the Reform is admitted quite openly. In his report on the Sabbath at the Third Rabbinical Conference, Wechsler states:

«Therefore, in my opinion, we must not allow ourselves to be discouraged by the fact that our decision depends on autonomous judgment, that the traditional concept, that even the biblical point of view offers us only sparse analogies and hints that might facilitate our decision. Our conscience, our conviction must guide us in establishing a norm for living in which and with which the doctrine does not have to continually come into conflict.» (*Protokolle* 1847, p. 43.)

Sometimes in their attempts they relied on nebulous formulations, such as the following:

«While it is difficult to grasp the principle well, the intention is certainly the correct one, namely, to bring to light that living tradition that springs from a deeply religious consciousness and thus to overcome the rigid externality of the Law without destroying its true meaning.» (*Protokolle* 1847, p. 131.)

When it came to practical decisions, a principle was even less visible. What was determined about the Sabbath law [at the Conferences] was such that even the liberal historian Martin Philippon was forced to admit:

«It was a true casuistical hypocrisy that they began by declaring the law of Sabbath rest to be absolutely binding, then allowed numerous exceptions of such indeterminacy and expansibility that they ultimately abrogated the entire principle.» (Philippon 1907, p. 214.)

Let us illustrate with a few examples the absence of principles when it came to practical matters: in a commission report from the Second Rabbinical Conference, we find a discussion on the question of «whether in designated circum-

stances, ritual bathing in which the water is conducted by pumps and hoses into bathtubs may be permitted for the religiously legal bathing of women.» The question is approached from three points of view: «Is the permission in question opposed 1. biblically, 2. traditionally, 3. rabbinically?» Here are the answers: «From a purely biblical standpoint, the menstruating woman is in no way commanded to take a bath for her purification.» Regarding the traditional perspective, they said, «Only with the relaxation of the Law is its reputation to be saved in our days. (...) And if Maimonides (...) rightly observes that in order to save the body one must sacrifice an arm, how much more must one, in order to save a sacred custom, surrender the enclosure.» And finally, whether there was anything standing in the way of permission from a Rabbinic point of view: «Accordingly, the baths in question are also permissible from a Rabbinic point of view as long as the bathtub is properly sized, appointed according to Rabbinic specifications, and fastened to the ground.» [All quoted passages in this paragraph appear in *Protokolle* 1845, pp. 359–371.]

It is therefore affirmed that, even if it is not recognized as a biblical injunction, a precept must be maintained because it constitutes an ancient tradition. In order to be able to maintain this tradition, one disregards the Rabbinic modalities of this precept only to retroactively establish that one actually fulfills them as well. The determining factor here for maintaining a precept, then, is its uninterrupted traditional observance.

The method changes when it comes to discussing the Sabbath. Here, the commission report examines the biblical concept of rest and concludes that despite their general willingness to abide by it, they believe that the Talmud misunderstood the concept and drew conclusions that turned everything upside down. The Talmudic concept of work, which likewise had a long tradition through the whole of Jewish history, is not even mentioned. Instead, the Reform renounces the strict implementation of even the biblical Sabbath regulations (like the prohibition to carry weights, to light fire, and so forth) that Karaism had preserved. The determining factor here is therefore the biblical concept as opposed to the Talmudic one, but of course only insofar as it does not interfere with life.

When the Talmudic conception matched one's own conception, then one drew from the Talmud to support one's own opinion. This was the case, for example, when it came to German-language prayer. On this topic, the first question was «whether the use of Hebrew in prayer constitutes an objective necessity based on the existence of any existing legal regulation» (*Protokolle* 1845, p. 27). With a profusion of erudition and acumen, it is then demonstrated that from the Talmudic point of view—for this is what is understood by «legally» at this juncture—there is nothing to be said against praying in a

foreign—that is, the German—language. Here, then, the Talmud is assigned the function of supreme principle of judgment.

The *Guidelines* also show a lack of autonomous, religious, and historical principles according to which the Reform should be carried out. The following passage serves only to conceal the lack of principles:

«The historical basis of the Jewish religion is the Holy Scripture as well as the consequent progressive development of Judaism in the post-biblical writings—namely, the Talmud and Rabbinic and religious-philosophical literature—up to the present day. The historical-critical appraisal of these religious documents is one of the tasks of Judaic Studies [Wissenschaft des Judentums]. (...) As a historical religion, Judaism has also given expression to its eternal truths and basic moral precepts in historically conditioned beliefs and manifestations. Each generation has assimilated the faith of the fathers with its own specific beliefs and manifestations. Liberal Judaism therefore believes in recognizing a progressive evolution whereby every period of Judaism has the right and duty, while preserving its essential content, to abandon historically conditioned beliefs and manifestations, to develop them further, or to create new ones.» (*Richtlinien* 1912, p. 57 f.)

The declaration is followed by the principles that should govern the selection of this «essential» content:

«Beliefs that tarnish the purity of the Jewish doctrine of God must be eliminated from the doctrinal content of the Jewish religion. (...) Given the great importance of manifestations for religious life and the safeguarding of the Jewish religion, pious respect for the past requires that one must preserve and revitalize all those institutions and customs that to this day place the individual in a living relationship with God, remind him again and again of his moral mission in life, and bring into his everyday life moments of peace and self-reflection; that sanctify family life, confer upon the Jewish home its singular order and atmosphere, and lend expression to piety toward the living and the departed; that consolidate the bond of the community of faith, strengthen loyalty to faith, and evoke a noble Jewish self-awareness. Prescriptions that do not meet these requirements have no binding force.» (*Richtlinien* 1912, p. 58.)

The attempts sometimes made by the Rabbinical Conferences to base a principle of selection by distinguishing the sources (Bible, tradition, Talmud) was abandoned in the *Guidelines*. Formulations such as «laws that to this day place the individual in a living relationship with God» and others quoted here are of

such ambiguity and expansibility that they only simulate a principle; in reality, they did not serve as a usable principle for the Reform. The Reform did not recognize any particular principle; indeed, it could not use one at all, since the movement was undertaken according to an entirely different principle, one that had no inherent religious or historical autonomy.

d) Summary: Sociological aspects of the Reform

We have attempted to clarify the attitude of the Reform toward the Law by highlighting its specific tendencies: the tendency to declare the Law in general an inessential component of Judaism, to strip it of its national character, to deprive it of its contrast to the dominant society and religion, and to remove its all-binding power, and in the tendency, resulting from this whole complex, to avoid establishing an autonomous principle of the Reform. All of these tendencies are closely interrelated and mutually dependent and in this particular commonality make up the fundamental characteristic of the Re-«form»: the dissolution of the system of forms that constitutes Rabbinic Judaism. [But] since the Reformers wanted to preserve Judaism as an autonomous entity, the commonality of the Law had to be replaced with the commonality of faith; it was necessary to formulate dogmas that were given the task of constituting the characteristic element of Judaism. What is common in Rabbinic Judaism—the Law—was individualized, and what is individual—the worldview [Weltanschauung]—was made generally binding.

Of course, the newly created Jewish dogma was not intended as a form of constriction; it corresponded entirely to the enlightened spirit of the time. True, the principle of dogmatics, so contrary to the social particularity of Judaism, was introduced (or taken over from the Karaites), but these dogmas were kept so generic and colorless that, when it comes to their content, one can hardly speak of «dogmas» that could in some way form a specific feature of Judaism.

The Reform was aimed at the complete destruction and dissolution of the social structure of Rabbinic Judaism. From a sociological point of view, the question of interest is why the bearers of the Reform ideology, the capitalist bourgeoisie, did not feel compelled (as the Karaites did) to break away from Judaism as a whole and form a special sect. The answer must be sought in the situation of the German Jews, which was of another kind: they no longer constituted a Jewish mass, and their historical dynamism had given way to complete inertia, so much so that they lacked the very basis for any sectarian formation. The absence of historical force also explains why the minimum

social basis of German Jewry had changed so much—that is, diminished; the Jewish Law in its entirety was still considered binding for part of German Jewry, but, in contrast to earlier times, [observing] it was no longer a prerequisite for being a Jew. The Reform represented a specific direction of Judaism; nevertheless, from a sociological point of view, it remained within Judaism and did not constitute a sect.

It was not only the lack of historical dynamism that made the formation of a sect impossible among the Reform Jews; rather, the new collective economic and mental connection with capitalism united the German Jews and bound them together in a new way. What, then, are the minimum ties common to all German Jews, including the Orthodox?

The first—and most resilient—force uniting all Jews remained the racial and tribal bond, which, despite the Reform, did not disappear. Even mixed marriages did little to weaken this bond, since the children of these marriages usually converted to Christianity or were baptized as infants. Thus, although the number of Jews decreased, their social character did not change. A second bond resulted from the fact that anyone who had not explicitly left the Jewish community was considered by the state as belonging to Judaism. A third bond resulted from anti-Semitism, which viewed the Jews as a unit and treated them as such, thus keeping the sense of Jewish unity alive.

Although these bonds lie more in the national-political sphere, a number of others from the religious-legal sphere remained, such as the Jewish marriage, a practice that is still widespread and that by its very nature constitutes a civil-law act within the framework of Jewish ritual. The autonomy of Jewish marriages is at the same time an expression of the fact that of all other spheres of Jewish life, it is Jewish family life that has most strongly preserved itself in all its particularity. The burial of the dead is also still regulated in a uniform manner for all of German Jewry: although the German Orthodox separatist congregations had their own cemeteries, the ceremonial ablutions and burial of the dead were uniformly carried out by associations that included Jews from both the main congregations and the separatist congregations. Finally, there are two provisions of Jewish religious law that are binding on all of the Jewry in Germany: circumcision, and the suspension of all activities as well as participation in the sacred services on the Day of Atonement.

Marriage, circumcision, burial, and observance of the Day of Atonement: these four legal provisions were, with very few exceptions, also uncompromisingly demanded by the Reform—in accordance with its principle of demanding only what is sanctioned by reality—with the result that the Reform also saw in them the last religious bond. Finally, social welfare must be mentioned as an area common to German Jewry regardless of religious standpoint.

Considering German Jewry as a whole, what we find is that the actual religious bonds had slackened, that the bond of the Law had essentially disappeared; sociologically speaking, the cohesion was now just a purely national one. Thus, paradoxically, although German Jewry constituted a religious community according to its ideology, it had de facto shed precisely this religious character and become purely national.

5. Neo-Orthodoxy as a reaction to the Reform

We have already pointed out that the Reform failed to bring about the natural formation of a sect within German Jewry; instead, there was an artificial separation from the Orthodox circles. In order for a sect to have formed naturally, those classes that rejected the basic social character of historical Judaism would have had to become the sectarians. Here, however, the opposite occurred. The champions of the Jewish Law wanted to artificially enact that which history had neglected to bring about on its own, by elevating themselves as the sole representatives of Judaism and declaring all who were not faithful to the Law apostates. De facto, however, they were the ones who left the congregations and became the sectarians. The Frankfurt rabbi Samson Raphael Hirsch promoted this artificial sect-formation by calling for the establishment of separate congregations in all Jewish centers in Germany.

Only part of the Orthodox supported the secessionist movement; the other part advocated for the unity of the whole of Jewry and declared the secession to be unauthorized sectarianism. The spiritual leader of the latter group was Rabbi Seligman Baer Bamberger [1807–1878] of Würzburg, who argued that an artificial separation would not help to improve the situation of Law-abiding Jews; rather, an improvement could only come about through internal strengthening. Wherever this strengthening took place, he claimed, those classes uninterested in the actual character of Judaism would be eliminated of their own accord.

The fact that a part of the Orthodox remained in the unified congregations completely paralyzed the separation sought by the Orthodox; they wanted a separation that divided German Jewry along principled lines, and this was not happening. But the Orthodox Jews' intended separation remained artificial for another reason: sociologically, the German Orthodox came from those classes that were not moved to assimilate until later and thus had time to close ranks. Theoretically and practically, they recognized the Law as binding for themselves, but spiritually and religiously they were in reality completely aligned with the spirit of capitalism. The Orthodox today evidence the same

distribution of professions as does the rest of Jewry; they do not differ socially from the rest of capitalist society, nor are they really different from a cultural perspective.

How was it possible that the sectarian Orthodox, while adhering to the Law in practice, nevertheless completely abandoned its metaphysical foundations? Today, the most widely accepted version of the Law is the *Shulchan Aruch*, a compilation that dates back to the mid-16th century—that is, to a pre-capitalist era characterized by entirely different economic conditions. Given the context surrounding its emergence, the *Shulchan Aruch* lacked all the legal provisions that would be necessary today to subordinate the economic realities to the spirit of the Law. Such provisions could have been formulated if the Law had continued to evolve even after 1812 through the practice of jurisprudence. Only the right to its own jurisprudence could have safeguarded the identity of life in the Law and life in its spirit, but the Orthodoxy allowed itself to be torn away from it—indeed, it rejoiced at it—because in this way it was able to mitigate the conflict with the German capitalist culture that it itself accepted.

Like the Reform, contemporary Orthodoxy sought to unify two things that were by their very nature irreconcilable: the spirit of Judaism and the spirit of capitalism. The Orthodox did indeed accomplish this, only on a different level: it assumed the burden of the Law but did not demand its own Jewish jurisprudence, and only through its own jurisprudence would it have been able to completely subordinate the attitude toward the environment to the Jewish Law once again.

Orthodoxy took the same position on all intellectual-political problems of the time as the rest of German Jewry. In this sense, it hewed closely to the example of Moses Mendelssohn, who in terms of his social impact was indeed the father of the Reform, but who in many ways resembled the Neo-Orthodox in terms of his intellectual type. It is therefore no coincidence that a contemporary ideologue of the separatist Orthodoxy such as Isaac Breuer [1883–1946] refers back to an ideologue of the Law such as Mendelssohn without naming him. But there was an important difference between Mendelssohn and Neo-Orthodoxy: Mendelssohn sensed the conflict and deeply expressed his resignation; Neo-Orthodoxy, on the other hand, sought to forcibly conceal the conflict by loudly proclaiming its members the true representatives of Judaism (which they were neither culturally nor socially).

IV.

Hasidism

1. Social structure and religiosity in Hasidism

a) The economic situation of the Jews at the time of the emergence of Hasidism

The Hasidic movement arose in the mid-18th century on Ukrainian soil, primarily in Volhynia and Podolia. What was the economic situation of the Jews living in these areas at that time?

Initially, the situation of the Jews was determined by the role they had to fulfill as agents of the Polish feudal lords. Specifically, the Polish feudal lords had leased their large estates in the distant territories of Volhynia and Podolia to the Jews, who in turn were tasked with collecting from the inhabitants—mainly Zaporozhian Cossacks—the sums imposed on them by the Polish nobility and clergy. The feudal lords, who lived far from these estates, regarded the Ukrainians as Russian serfs, a lowly, semi-barbaric race that constituted a separate group not only nationally but also in terms of religion. Of Roman Catholic faith, the Polish lords exerted not only economic but also religious force on the Greek-Orthodox Ukrainians, forcing them to recognize the supremacy of the Pope. The executive organs of this oppressive system were the Jewish leaseholders. And the Cossacks, living in appallingly desperate conditions, almost hated these Jews more than they hated their Polish lords, who were the true culprits.

The economic situation of the Jews was still very favorable at the beginning of the 17th century, both in those southern regions [of Volhynia and Podolia] and in the rest of Poland, where the Jews had leased the right from the large landowners to distill and serve spirits. In addition, they traded grain in the service of those same landowners and thus inserted themselves into the Polish feudal state as economically useful members. Their political position corresponded to this economic function:

«By reason of their great number, their importance, and their compact union, the Jews in Poland formed a state within a state. The general synod, which assembled twice a year at Lublin and Jaroslaw, formed a legislative and judi-

cial parliament from which there was no appeal. At first called the Synod of the Three Countries, it became in the first quarter of the seventeenth century the Synod of the Four Countries (Vaad Arba Arazoth). An elective president (Parnes di Arba Arazoth) was at the head, and conducted public affairs. The communities and rabbis had civil, and, to a certain extent, criminal jurisdiction, at least against informers and traitors. (...) The synod also concerned itself about honesty in dealing and conduct, and in weight and measure, wherever Jews were affected. [Cf. Graetz 1895, pp. 3 f.] Therefore, the Jew felt safe in Poland.» (Graetz 1882, p. 55.)

Although the economic and political situation of the Jews was quite favorable at that time, this was not the case for their religious and spiritual condition. There was an increasing tendency among them to cultivate only the intellect and, as the lone mental faculty [Seelenvermögen], the hair-splitting power of judgment. The entire intellectual output bore this character. It was characteristic of the spiritual attitude of Polish Jewry of that time to hastily deny meaning and value to anything that did not correspond to the preferred mental faculties. A majority of the Rabbinic scholars attached a certain haughtiness to their own, above all Talmudic, scholarship and self-opinionatedness. This sophistry and arrogance also played a role in the great piety of Polish Jewry.

There were also serious grievances within Jewish society itself. The community organizations were dominated by an unchecked Jewish plutocracy that showed no restraint in placing ever-greater and heavier burdens on the less-fortunate classes. But even before a process of intellectual recovery from within could take place, a calamity of such primitive violence swept over the Ukrainian Jewry that all economic, social, and spiritual foundations were obliterated. The Ukrainian Jews were delusionally blind to the fact that they had allowed themselves to oppress the Cossacks in Ukraine and Little Russia on behalf of the Polish nobles and Jesuits.

The retaliation was led by the Cossack Hetman Zynoviy Bohdan Khmelnytsky (1595–1657), a man who for years made the whole of Poland tremble. Khmelnytsky, who was as devious as he was cruel, had been personally provoked by the Jews, which fueled his thirst for national vengeance against them even more. Allied with the Tatars, he forced the Polish army to flee wildly on May 18, 1648. «After the victory, the wild troops went eastward from the Dnieper, between Kiev and Pultava, plundering and murdering, especially the Jews who had not taken flight.» (Graetz 1895, p. 7.) At the fortress of Nemyriv, nearly 6,000 Jews were massacred; at the fortress of Nesterov, another 2,000, who preferred death to baptism, lost their lives under horrible torture. Similar numbers and events were also reported from other Jewish settlements in this region.

After a period of peace lasting only one and a half years, the murderous bands of Cossacks again attacked the newly settled Jewish communities, mercilessly destroying the property and blood of the Jews once more. Again, peace was made, but again it was broken by the Cossacks with the Jews as the victims. Within ten years (1648–1658), around 250,000 Jews had been murdered. Those who remained fell into poverty and oppression; the communities—and with them, the spiritual and cultural life—were destroyed.

In addition to the misery caused by the Cossacks, there was another hardship: world trade had changed, and the Christian capitalists were still competing with the Jews, even when it was only a matter of investing the small amounts of capital they had managed to save.

By the beginning of the 18th century, the Ukrainian Jews were economically impoverished; the large communities had been destroyed and spiritual life had been annihilated by this hardship. Ignorance and apathy were the lot of this spiritually and materially impoverished and bedraggled population. The material basis that had originally made intellectual life possible, allowing for the payment of rabbis and teachers, was lost. The Jewish population of Ukraine seemed doomed, economically and spiritually.

Some, in their desperation, sought a way out by embracing the pseudo-messianic ideas of Sabbatai Zevi and Jacob Frank. The ideas of these false messiahs promised redemption in this time of greatest need, but in reality only brought about horrible disappointment, and ultimately the «redeemers» themselves converted to other religions. Both movements attempted to satisfy the needs for religious feeling, which were not been met by the Rabbinism of that time, with the promise that all misery would end as soon as the redemption was ushered in with Zevi or Frank as the representative. But however great the excitement aroused by these two false messiahs was, on the whole, the healthy instinct of the people resisted them.

The actual liberating creative act came from the intellectually and economically insignificant and most depressed faction of the Polish Jews in Ukraine. It was here, out of the depths of national life, that the religious movement of Hasidism arose as a form of religious-social self-liberation. Evidently, those who had the clearest perception of the downfall and were most deeply affected by it were the ones who felt the urgency to summon their last strengths. «It was in these districts of mental, and perhaps we might add of even spiritual, darkness that Chassidism took its rise and achieved its first success.» (Schechter 1896, p. 14.)

The messianism of Sabbatai Zevi and Jacob Frank promised the redemption of the people through a prophet. Here in Ukraine, the religious longing of the people created the idea of the redemption of each individual—and thus of the community—through the power and strength of each individual's religious feel-

ing. The same cause—the longing to overcome appalling social misery—that had given birth to the false path of pseudo-messianism also paved the way for the rise of Hasidism, which would become one of the greatest phenomena in Jewish history.

The background for the emergence of Hasidism allows us to understand its particularity as well as its contrast to the Rabbinism of the time (Mitnagdism). Whereas the latter had lapsed into sophistry, the new movement preached the primacy of religious feeling; whereas Rabbinism allowed an aristocracy of intellect and money to prevail, Hasidism demanded and practiced equality. Even the ignorant and uneducated person (*am ha'aretz*) becomes an equal through the strength of his feeling; in the light of the religious idea, all distinctions and privileges determined by money, knowledge [Wissen], or talent fade away.

The Ukrainian Jewry was not «emancipated» by the intervention of some third party; rather, it emancipated itself. Its social self-liberation did not take place for the sake of economic betterment, which is also why Judaism did not have to change according to norms that were alien to it. Here, economic hardship was the catalyst for a movement that focused on the triumph over this hardship through the power of religious knowledge [Erkenntnis] and a community life permeated by that knowledge. There was no need to adapt to the culture and social cosmos of the historical body in whose civilizing process one was embedded. Rather, as we will show, a great fulfillment of the social body, which was already in the process of decomposition, took place out of the «soul» of its own historical body.

b) The social situation and the religious world of ideas of Hasidism

What kind of internal connection exists between the social particularity of Hasidism as a form of self-emancipation, and its religious world of ideas? First, let us clarify the concept of democracy in spiritual as well as economic aspects. While the prevailing Rabbinism had exaggerated the importance of the intellect and made the worth of a Jew dependent on his erudition, Hasidism renounced this criterion—although not the demand for erudition overall—as the supreme measure of value, and replaced it with religious feeling and intention [kavanah], which are in principle accessible to everyone.

In his preface to *The Great Maggid and His Succession*, Martin Buber has this to say on this topic:

«As it [Hasidism] did not abolish from without the precedence of possession, but removed its value from within through uniting rich and poor as equal

members, before God and the zaddik, of a community of reciprocal outer and inner help—a community of love—so it overcame, in its highest moments fully, the far stronger (in Judaism elementally strong) precedence of learning—the Talmudic but also the Kabbalistic. (...) This combination of purity of teaching and popular character is made possible by the basic content of Hasidic teaching—the hallowing of everything worldly. There is no separation within the human world between the high and the low; to each, the highest is open, each life has its access to reality, each nature its eternal right, from each thing a way leads to God, and each way that leads to God is the way. As long as it maintained this combination of purity of teaching and popular character, of direct communication and universally accessible structure, Hasidism was light and fruitful. The dissolution of this connection meant the decline of Hasidism.» (Buber 1922a, pp. 52 f.—[modified translation of Buber [1922] 2002, p. 71].)

The radical social democratism very soon revealed itself among the first leaders, the tzadikim, as an economic democratism as well. Rabbi Israel Baal Shem Tov [also known as «Becht» or—before his revelation—Israel ben Eliezer, ca. 1700–1760], the movement’s creator

«habitually consorted with outcasts and sinners, with the poor and uneducated of both sexes, whom the other teachers ignored. He thus won for his doctrines a way to the heart of the people by adapting his life and language to their understanding and sympathies. In illustration of this, as well as of his hatred of vanity and display, it is told how, on the occasion of his being accorded a public reception by the Jews on his arrival at Brody, instead of addressing to them in the conventional fashion some subtle discourse upon a Talmudical difficulty, he contented himself with conversing upon trivial topics in the local dialect with some of the less important persons in the crowd.» (Schechter 1896, p. 25.)

The same trait can also be found among his successors, the tzadikim:

«The first tzadikim led a miserable existence. They, too, routinely collected sizable contributions from their followers, but they spent almost everything for charitable purposes. The Baal Shem would not go to sleep until he knew that all the money he had on him had been distributed to the poor. Once when unable to sleep, he got up, rummaged in his pockets, and found some coins. Rabbi Nachum of Chernobyl, his disciple, gave away all his earnings for the «release of the prisoners» and the trousseau of poor brides. He himself,

however, lived in extreme poverty. The chronicle of the *chevra kadisha* [burial society] of Chernobyl contains a very characteristic record of this: after he was accepted as a member of the society, Rabbi Nachum was unable to pay the sum of three rubles in cash; instead, he gave a copy of *Sefer Hasidim* in pledge.» (Horodezky 1920, p. 152.)

It is not only the tzadik who offers us this image of great love for the people and especially for the poor: throughout all of Hasidism, we encounter this sense of brotherhood and the practice of mutual aid.

«The Chassidim were second to no other sect in their loyalty and affection for each other. No sacrifice for a brother Chassid was too great. They knew no difference of rich and poor, old and young, wise and ignorant; for they all, with one accord, worshipped one common ideal, the Zaddik.» (Schechter 1896, p. 40.)

«The Hasidim of a tzadik maintain such relationships among themselves that one can always count on the support of another. The tzadik and the elders of the Hasidim see to it that the Hasid in need is sufficiently supported by his brothers. Special attention is paid to caring for the sick and providing dowries for poor brides.» (Horodezky 1920, p. 158.)

Then there was Hasidism's strong emphasis on joy, a feature that may not have been caused by the social situation, but was nevertheless prompted by it. Joy intrinsically distinguishes Hasidism from Kabbalah, which bore a decidedly mystical-ascetic character. The strong orientation toward joy is to be understood as Hasidism's reaction to the oppressed and miserable life of the people, and represents the natural concomitant of the self-liberation of the Hasidim. To the degree that asceticism could take hold in an economically well-off mass, it had no function to play among the Hasidic mass. For the tormented Hasidic mass, joy was a necessity; through joy, the people found a way out of dejection and sadness.

Love for Palestine played a special role in Hasidism. In place of the One who brings sudden redemption, there is the land that would one day—when all, through their own efforts, were ripe for redemption—become the homeland of the redeemed. The concept of the leader, of the tzadik himself, must also be considered in very close connection with the social situation of Hasidism. The rabbi was invested in his position by another rabbi on the basis of his qualifying erudition. The tzadik, on the other hand, represented the figure of the autonomous leader and thus corresponded entirely to the character of Hasidism as

an autonomous community formation [Gemeinschaftsbildung]. He became a leader by virtue of his compelling talent.

«The men in whom ‹being a Torah!› fulfills itself are called *zaddikim*, ‹the righteous,› the legitimate ones. They bear the Hasidic teaching, not only as its apostles, but as its working reality. They are the teaching. (...) The *zaddik* is not a priest or a man who renews in himself an already accomplished work of salvation or transmits it to his generation, but the man who is more concentratedly devoted than other men to the task of salvation that is for all men and all ages—the man whose forces, purified and united, are directed toward the one duty... the Hasidic community may be regarded as the social representation of the principle of spontaneity; the *zaddik* as the representative of autonomous leadership.» (Buber [1922] 2002, pp. 67 f., 70.)

The *tzadik* is the representative of the self-liberating mass, the exponent of a radical economic and intellectual democratism. He is the exact opposite of a self-styled messiah. The latter seeks to be the redeemer of the people through superhuman special gifts, a redeemer who—independent of the moral-religious maturity of the masses—carries out the redemption through his existence alone. The *tzadik* is the representative of the people, one in whom all the qualities possessed by the common man are present in an increased degree, and who shows the people the way, the end of which is liberation through their own religious power.

Finally, there is another phenomenon arising from the social structure of Hasidism that fundamentally distinguishes the movement from the mysticism of the Occident as well as from Kabbalah. While in those traditions, the mystic is the loner who lives completely withdrawn into himself and isolated from others in order to undertake the difficult task of mystical contemplation, and to experience in the *unio mystica* the grace that only befalls the individual, Hasidism is a mysticism—if one may still use that term—of the community. It is in community, and not in the fleeting glimpses experienced in solitude, that God is realized. (This profound difference between Hasidic and Occidental mysticism is given far too little attention and emphasis by Buber.)

The internal religious connection that exists between the concept of community and Hasidic religiosity becomes clear in the answer that Hasidism (together with the whole of Judaism and in contrast to mysticism) gives to the question of the possibility of religious knowledge [Erkenntnis]: to know God is to realize God in the world. This is why joy, as the realization of this kind of religious knowledge, plays such an important role in Hasidism.

c) The decline of Hasidism

As Hasidism declined as a creative religious movement, it also lost its essential social structure: that is, its democratic character. The most striking indication of this shift was the change in the role of the tzadik. Originally, the tzadik was the man from among the people and at the same time the man of the people, endowed with gifts that were simply an enhancement of those inherent in every human being; now, the gap between leader and mass was widening more and more, both intellectually and economically. The tzadik became an intermediary, someone who possessed very special qualities that were otherwise inaccessible to the people. He worked miracles through his prayer, be it by intervening in a portentous way in the execution of some matter or by saving someone from death. His constitution was qualitatively and fundamentally different from that of the people.

The tzadik's detachment from the people was also reflected in his economic situation. He was no longer the poor man who distributed among his brothers all the money he carried with him; rather, he became a man of great riches to whom large sums flowed as a result of his «intermediation.» People turned to him on every imaginable occasion to seek his advice, and for this they rewarded him handsomely. Thus it happened that the tzadikim, despite their personal lack of pretensions, ended up surrounding themselves with princely courts that in splendor and riches were often hardly inferior to that of a secular nobleman. The tzadik [Yisrael Friedman] of Ruzhin, example, wore a gold yarmulke and sat on a silver chair. He considered himself the successor to the exilarch of Babylonia, who, as the spiritual and secular representative of Diaspora Jewry, believed it his duty to live in luxury and splendor in order to honor the Torah and the people.

A further element was also contributing to the dissolution of the economic and intellectual democratism: unlike the rabbis, the Baal Shem and the first tzadikim were not leaders on the basis of authorization, either *ex officio* nor by birth (like the priests); «the *zaddik* [may be regarded] as the representative of autonomous leadership» (Buber [1922] 2002, p. 70), just as the Hasidic community was the social representation of the principle of voluntarism. But now, the profession of tzadik became hereditary. It was no longer the greatest disciple who became the leader; rather, it was the tzadik's own son. The office of the tzadikim was born. Of course, attempts were also made to ideologically justify this development, ones that involved arguing that since the tzadik had fathered his son in complete spiritual purity, the son in turn must necessarily be the bearer of the divine spirit. In this way, entire dynasties of tzadikim

arose, some of them feuding among themselves, but still counting millions of followers to this day [1922]. But with the new type of tzadik, the original social-religious principle of Hasidism, with all of its revolutionary charge, was lost, and Hasidism itself ossified and died.

2. The traditionalistic economic mindset of Hasidism

We have shown that and how Hasidism arose as a social, religious, and autonomous liberation movement of a people that had been oppressed, intellectually and economically, to an extreme degree. We must now ask what the nature of its economic mindset was. In doing so, we will find that in Hasidism, unlike in Karaism and the Reform, the economy did not play a constitutive or formative role. Rather, Hasidism decisively sidelined the role of the economy, allowing the «traditionalistic» economic mindset of Rabbinic Judaism to completely take hold. This is evidenced by the statements and teachings about the significance of the economy in Hasidism, and also by the movement's negative attitude toward all emancipatory efforts that would have led to economic improvement.

a) The primacy of contemplation

We have already pointed out that Hasidism was not an ascetic movement, but rather a movement guided by the principle of serving God in joy. We can thus rule out the idea that its rejection of economic advantages was due to ascetic reasons. Rather, what we have said earlier about the traditionalistic economic ethics of Talmudic Judaism is particularly and to a greater extent true of Hasidism. For the Hasid, everything is centered on the knowledge [Erkenntnis] of God, a knowledge that is found in joy, *kavanah* («intention»), and *hitlahavut* («fervor,» «inner burning») (Buber 1922b, pp. 2, 20). This existential knowledge [Erkenntnis] is not acquired through learning [Wissen], but rather through immersing oneself in one's own inner world, through contemplation. Learning that only sharpens the intellect must therefore yield to prayer and joyful gatherings.

Singing played an extraordinarily important role in the gatherings. Melodies without words, mostly invented by the tzadik himself, were intoned by him and sung by the community of Hasidim for hours on end. They considered melody to be the «language of the soul,» and with religious longing, they poured into it all of their pain and joy. The gatherings—during which, by the way, there was no shortage of food and drink—were the highlight of Hasidic

community life. And nothing could better express the supremacy of contemplation than this kind of communal singing.

The uniqueness of Hasidism becomes clear above all through its contrast with the non-Hasidic Judaism of the time, Mitnagdism. In Mitnagdism, the focus was on the appreciation of knowledge [Wissen] and thus also of learning, of Talmudic study, as the way to knowledge. At the same time, the movement, increasingly seized by the spirit of haste and restlessness and an aversion to any form of contemplation, also constituted a degeneration of Talmudic-Rabbinic Judaism. For Mitnagdim, the meaning of life consisted in learning; the more one deepened one's study of the Talmud, for example, the more one was fulfilled by one's purpose in life. Knowledge and learning became ends in themselves. In order to serve this supreme goal, the Mitnagdim worked out an entire system of ascetic exercises that dominated their lives. The people were seized by the wild fear that they might die without having learned enough; to them, rest and contemplation were virtually a sin. This also explains the non-productiveness of Mitnagdism observed by Heinrich Graetz and others.

The overemphasis on learning resulted in a spirit of sophistry and affected intellectualism that lacked anything truly creative. The basic attitude in Mitnagdism was similar to that which Max Weber observes and expounds on when it comes to Protestant sects, even if the motives are quite different: in Protestantism, fulfillment of the longing for salvation takes place through vocational work; in Mitnagdism, fulfillment of one's life mission takes place through learning and knowledge. (This background may also explain the striking phenomenon of the German Jewry being so easily won over by the spirit of capitalism once the formal principle of haste had been emptied of its content, that is, of Torah study and engagement with spiritual things.)

b) The anti-capitalist tendency

The almost total immunity of Polish and Russian Jewry to the spirit of capitalism has several explanations. Firstly, the overall economic situation in these countries was of a completely different nature, not yet ripe for an integration of the Jews into capitalism; secondly, the leaders of Hasidism were able to resist all of the civil-legal advantages that could have led to such an integration; and lastly, because of its mass settlements, Eastern Jewry represented, to a much greater extent, a national power in which a disappearance of millennia-old national content was prevented. With the rise of capitalist development in Poland, however, a capitalist Jewish upper class gradually emerged there as well.

The spirit of haste and restlessness is actually alien to Rabbinic Judaism and Hasidism alike. Thus in this respect, Hasidism acted as a renewer of the spirit of Rabbinic-Talmudic Judaism, magnificently reshaping and deepening its original elements such as contemplation, melody, and song. This is also and especially true of Shneur Zalman of Liadi [1745–1812, also known as the Rabbi of Liozna], a man who very much revived the focus on the study of the Talmud and who has often been called the rationalist of Hasidism due to his religious system. Shneur Zalman is an authentic representative of Hasidism; he was a master of melody, having composed some melodies himself, and spent many hours in the company of brethren, singing with them. It was he—a master of word and thought—who originated the idea that melody is the «language of the soul» and therefore does not need the help of words.

Hasidism lacks all the capitalist-bourgeois virtues such as the restless pursuit of wealth and of economic autonomy. An effective testimony to this particularity of the movement can be found in a letter written by Dovber Schneuri of Lubavitch [1773–1827], who was a son of Chabad-school founder Shneur Zalman. The letter uses very decisive language when it comes to economic issues, even though it was not written until the end of the florescence of Hasidism, that is, at a time when the original strength and particularity of the movement had already weakened, and when the overall economic situation would have allowed for a much easier penetration of the Jews into the capitalist order than would have been the case 100 years earlier. But the letter is also significant insofar as it was written by a leader of a branch of Hasidism [Chabad] that must be described as relatively rationalistic and to which (if we are to believe Sombart) the orientation toward trade and business must have been particularly inherent. That the opposite is the case is also proven by this letter, which I have translated from Ch. M. Heilmann (1902, pp. 5 f.):

«I shall give below a general basis of my opinion and words of advice concerning the provision for our poor and needy: the number of the poor in our cities has greatly increased, and these individuals are forced to wander far and wide to collect alms; it is self-evident what sorts of moral consequences arise from this situation. (...) This is due to the fact that they have not been training for work and occupation from the time they were young. Only some of them are engaged in shopkeeping or retail trade, and a few are craftsmen. Those who still have a small sum of money lose this, too, and fall into ruin. (...) Therefore, my first suggestion is that the men in leadership roles should pay heed to this and issue decrees that compel men, women, boys, and girls to be trained in weaving and spinning, and in all forms of factory work. (...)

With regard to working in the fields, my advice is to buy or rent plots from the landowners with the permission of the state, and to make them fruitful. God will certainly bestow His blessing on the soil; in any case, there will be bread enough to eat. For the first two to three years, non-Jewish laborers should be hired, until the Jews themselves have learned the job and can do it on their own. (...) This is by no means menial work, for on our land in Palestine our entire sustenance came from the cultivation of fields and vineyards. Why should we differ from our ancestors, now that we are living on the land of other peoples? (...) When I was in the cities of southern Russia, I myself saw the Jewish settlers working the land together with their wives and children. They work with great passion and diligence, and the work is very dear to them. All young people attend school until the age of thirteen. Those who do not have the talent for secondary studies then go on to work in the fields. They do not lack bread and they are content with their lot. There is no injustice among them; they act and walk in faithfulness and occupy themselves with the teaching. And even if they are not so rich as to buy beautiful clothing and jewelry, they are not lacking in nourishment and what is essential to satisfy the needs of life. (...) It all pleased me very much, and I have long been writing from there to my followers, asking them to make efforts toward this. In my view, God will ensure that they are prosperous in their work and bless the soil so that it will meet their needs. This is what is meant by the words of the Psalm, «When thou eatest the labor of thy hands, Happy shalt thou be, and it shall be well with thee. (Psalm 128:2).»

Let us examine more closely some of the letter's key assertions: first, it should be noted that the majority of Hasidim are economic «people of the air» [Luftmenschen]—that is, they have no fixed profession; only a very small fraction of them are merchants and craftsmen. Then, we must highlight how the author of the letter recommends to the Hasidim two types of vocation, both of which are not at all capitalistic: factory work and work in the fields. Factory work presupposes the complete renunciation of economic autonomy; the capitalist virtues are completely alien to it. The recommendation is thus based on the understanding that the factory worker is, comparatively speaking, far less inwardly affected by the economy than the independent merchant is; the recommendation is therefore also entirely in line with the basic attitude of Hasidism outlined above. The same is true for the field worker: here, too, the resistance to the capitalist-bourgeois spirit can be clearly felt. Rabbi Dovber advises the Hasidim to only make use of outside laborers for the first two to three years, and thereafter to conduct all work themselves. He thus expressly does not want the Jews to become landowners who live off the labor of others; rather, he wants to educate them to become small farmers.

The author then explicitly emphasizes that one's earnings should cover only basic needs, and not allow for any luxury. This remark, too, embodies the mental attitude of the entire letter. Finally, Rabbi Dovber points out that even when it comes to farm work, the primacy of the spiritual should be thoroughly preserved. He praises the Russian colonists whose gifted sons devoted themselves entirely to study, and he is also pleased that the farmers themselves were eager to learn and occupying themselves with spiritual matters, so that «fear of God shines on their faces.» Nothing captures the entirely anti-capitalist attitude of the Hasidim more clearly and pointedly than this document from one of the last leaders of the movement.

The Hasidim recruited from the poorest classes, and until the decline of Hasidism they were completely uninvolved in capitalist development. Factories owned by Hasidim did not appear in Poland until 1870. The group avoided any kind of large-scale trading, and for good reason: the Hasid, for whom life in the community, association with his brethren, and frequent immersion baths [mikvot] had become necessities of life, did not want to undertake long journeys that would have taken him far away from his native community. The Mitnaged was of a completely different kind: for him, trade did not create any difficulties; he could study on the road just as he could at home, and his knowledge [Wissen] was just as esteemed abroad as it was in his homeland. This is also why the first Jewish commercial agents in Saint Petersburg and Moscow at the beginning of the 19th century were not Hasidim, but Mitnagdim.

c) The rejection of civil emancipation efforts

The attitude of the Hasidim toward the economy becomes particularly tangible in the way they behaved when it was a matter of gaining political-legal advantages for economic reasons, an objective that in the East, too, could only be achieved at the cost of sacrificing the national particularity. And it is precisely here that the radical contrast between the Reform and Hasidism becomes apparent: in the Reform, the only goal was attaining equal status, to which religion was ideologically and practically subordinated, while in Hasidism, there was a decisive and energetic rejection of all legal and economic advantages in favor of safeguarding the specific national-religious particularity.

Hasidism's explicit opposition to the ambiguous gift of emancipation manifested itself on two occasions: when the Hasidim refused to join the emancipation efforts and accept the related offers of the Polish government, and when they refused to take sides during the Franco-Russian war, where a French victory would have led to political freedom but also national-religious oppression.

Regarding the first point, S. Dubnow (1920, pp. 276 f.) writes:

«The oppressed, starving mass of course wished to be freed from all the legal restrictions that made their lives miserable, but when it came to «civil emancipation,» all they could envision were horrors: the collapse of the old religious order, the loss of autonomous communities and schools, the spread of unbelief, and forced or voluntary Polonization. (...) The tzadikim (Yisroel of Kozhnitz, Yaakov Yitzchak of Lublin, and others) and the most authoritative Hasidim stirred up a powerful movement throughout the country in order to avert the double catastrophe (*geseira*) of emancipation and compulsory military service, both of which would have doubtless led to the ruin of their religion and national character. Hasidic deputations made pilgrimages to the Minister of War, Józef Poniatowski, and the other members of the government, pleading for the preservation of the old Jewish Ordinance [*Judenordnung*] in Poland.»

Shneur Zalman, in a letter that he wrote to his friend Rabbi Moses Meisels of Vilna as the war raged, takes an unequivocal stand: «Should Bonaparte win, the wealth of the Jews will be increased, and their [civic] position will be raised. At the same time their hearts will be estranged from our Heavenly Father. Should however our Tzar Alexander win, the Jewish hearts will draw nearer to our Heavenly Father, though the poverty of Israel may become greater and his position lower» (Heilmann 1902, pp. 92–94; quoted in Dubnow 1916, pp. 356 f.).—The Russian war hero and poet [Denis Vasilyevich] Davydov reported that «the frame of mind of the Polish inhabitants of Grodno was very unfavorable to us. The Jews living in Poland were, on the other hand, all so devoted to us that they refused to serve the enemy as scouts, and often gave us most valuable information concerning him» (quoted in Dubnow 1920, 357). And the Governor of Vilna confirmed that: «the Jewish people had shown particular devotion to the Russian Government during the presence of the enemy.»

Hasidism's rejection of the civil emancipation efforts is its point of greatest contrast with Western European Judaism. Here in the East, the collision between the Jewish historical body and a foreign historical body ended with the complete victory of the Jewish historical body, whose soul broke out anew with great force and shaped the social body. Embedded in an alien cosmos of civilization is how we now find the original Jewish culture, and the society saturated by it.

3. The function of the Law in Hasidism

a) The new religious contents and ideas

For the structural analysis of Hasidism that now follows, we may expect from what has been shown thus far to encounter the Law in all its particularity, untouched by the influence of the foreign culture and society.

Compared to Karaism and the Reform, Hasidism was striking for its ability to produce new religious ideas and contents and to shape them with a creative spirit. Whereas Karaism and the Reform, as we have ascertained and noted, were completely lacking in new religious contents, since their religious ideas were either simply borrowed from Rabbinic Judaism (in the case of Karaism) or adapted to the culture of the environment (in the case of the Reform), Hasidism drew from the religious resources of its own people, shaping and producing new religious ideas that were in contrast to both the worldviews of its environment and those of the dominant Judaism.

We have already shown that it was precisely these new religious ideas that bore the social self-liberation; we have also shown the content-related connection between them and the social particularity of Hasidism. In the context of our sociological investigation, there is no need for a more detailed description of the religious world of Hasidic ideas: we need only point out the fact that new religious ideas appeared, not what those ideas were in particular. (On this point, we refer to the excellent exposition by Martin Buber in his book *The Great Maggid and His Succession* [1922], and also to his introduction in *The Tales of Rabbi Nachman* [1906].)

Hasidism had created new religious contents and creatively reshaped existing ones. With regard to the religious in the narrower sense, it constituted a singular new entity. To give at least a hint:

«Enoch was a cobbler. With every stitch of his awl that sewed the upper leather and the sole together, he joined God and His *shekhinah*.»

This wonderful contribution to the legend of the patriarch (...) was readily varied in the Hasidic teaching. For in his earthly image he expresses what was essential to it: that man influences eternity, and he does this not through special works, but through the intention behind all of his work. It is the teaching of the hallowing of the everyday. It is of no value to attain to a new type of action that is sacral or mystical according to its material; what matters is that one does the allotted tasks, the ordinary and obvious ones, in their truth and

in their meaning, and that means in the truth and the meaning of all action.

Even one's works are shells; he who performs them with the right dedication, embraces in kernel the boundless.» (Buber [1922] 2019, pp. 103 f.)

b) The position of Hasidism on the binding nature of the Law

Karaism and the Reform abolished the binding nature of the Law. What was Hasidism's position on the objectively valid bonds of the Law?

Hasidism affirms and recognizes the Law without reservation; for Hasidism, the Law is the basis of Judaism and of the newly acquired religiosity. In 1757, disputes between rabbis and Frankists [followers of Jacob Frank] took place in the Galician capital of Lemberg [Lviv] after the Frankists denounced the Talmud to the Polish government and demanded the destruction of all Rabbinic books. The Baal Shem suffered greatly as a result of these agitations, since he believed that the abrogation of the Oral Law would mean the end of Judaism. Personally involved in these disputes, he had the following to say:

«To understand it (the Torah) aright one needs to penetrate to the inward reality—to the infinite light which is revealed in it. We should study the Law not as we study a science for the sake of acquiring knowledge (he who studies it so has in truth been concerning himself with its mere outward form), but we should learn from it the true service of God.» (Schechter 1896, p. 28 f.)

On another occasion, the Baal Shem is reported to have said:

«The anger of heaven was caused by the Rabbis, whose sole occupation was to invent lying premisses and to draw from them false conclusions. All the truly wise Rabbis of the olden time (such as the Tannaim, the Amoraim and their followers, whom Baalshem regarded as so many saints and prophets) had now stood forth as the accusers of their modern successors by whom their words were so grossly perverted from their original meaning.» (Ibid., p. 17.)

The Baal Shem, true to these views of his, led his life entirely according to the Law.

The disciples and successors of Baal Shem were also men of the Law. A detailed theoretical statement on the Law can be found in a letter written by Rabbi [Menachem] Mendel of Vitebsk [about 1730–1788] while he was residing in Palestine, addressed to the rabbis of Vilna and exhorting them to abandon all struggle. Among other things, Rabbi Mendel wrote:

«God and Israel know that falsehoods are being spread against us. I am standing now on holy land, and with God as my witness (I raise my hand to swear in His name!), I avow that neither in our intentions nor in our faith is there anything that could give rise even to the appearance of contradicting our Torah, whether in its written or its oral form. On the contrary, in our teaching there is not the slightest qualification of any commandment whatsoever. In fact, we simply and faithfully follow the statutes of our Torah, which our leader Moses gave to us and which our Sages, the Tannaim, Amoraim, and Geonim, those who came before and those who came after, have explained to us. Lord God! Turn down your gaze upon the disgrace of your servants, enlighten us with the light of your countenance, and unite our hearts to serve you; bind us inseparably to your commandments, for they constitute our lives and the permanence of our days, and we wish to immerse ourselves unceasingly in them and for them, endure every sacrifice; for in them we delight.» (Quoted in Horodezky 1920, pp. 101 f.)

The second part of Rabbi Mendel's letter is also revealing, for it expresses a strong will to maintain the unity of the Jewish community, which once again highlights the contrast with Karaism:

«I am God-fearing, and with God as my witness, I avow that we are willing to yield and forgive all who have treated us with ill will or humiliated us or done us evil; may the Almighty in His goodness forgive them, for they all believed they were defending the cause of God. But now listen to my voice! From this day forth, you will no longer offend us; have mercy on yourselves and on your good deeds, lest you destroy the world in one hour. (...) My lords, teachers, and masters, you who are far superior to me in knowledge, if I have sinned against your honor, I and the host of my followers humbly ask for your forgiveness. God is gracious and forgives the sinner, and you who cling to His teaching will not refuse the answer, «I forgive!» And from now on, my brothers, I beg you! Let go of this ugly strife. Since we are indeed one people, children of the one and only God, what is the use of fighting and feuding with one other? Do not, brethren, invoke evil warfare upon the people of God. Behold, the whole earth is before you, and the eyes of all Israel are upon you, and only through peace in your midst will peace be granted to all.» (Ibid., pp. 102 f.)

Lastly, there are the remarks made by the last great and eminent leader of the Hasidim, Shneur Zalman of Liadi:

«While you are occupied with the study of *halacha*, you shall not interrupt

your study for the sake of prayer. (...) For (you will find) in the *halacha* the «diffusion and effusion of the light of God's will and the highest wisdom.» (Ibid., p. 140.)

Or: «For the *halachot* pronounced by the Tannaim constitute the true knowledge [Erkenntnis] of the Godhead.» (Ibid.)

In the first volume of his book the *Tanya* (Chapter 5), Shneur Zalman pays tribute to the *halacha* thusly:

«Any halachah (...) is the wisdom and will of G-d, for it was His will that when, for example, Reuben pleads in one way and Simeon in another (...) even should such a litigation never have occurred... [T]herefore, when a person (...) comprehends [the halachah] with his intellect (...) he has thus comprehended (...) the will and wisdom of the Holy One (...) Whom no thought can grasp, nor His will and wisdom, except when they are clothed in the laws that have been set out for us.» (Zalman [1796] 1973, pp. 41 f.)

Also significant and revealing are Shneur Zalman's views on the essence and meaning of the Law (*Tanya*, Chapter 35):

«Even the perfect righteous person, the one who dedicates his entire life to God, cannot become completely one with the divine light; he maintains his separate existence. The commandments and good works, however, represent the divine will itself, which is precisely the origin of all worlds and created beings. (...) The laws are therefore the means for the divine soul to attain the most intimate connection with God. (...) The divine soul is the wick, but the light of the *Shechinah* can remain in continuous contact with the wick only through the oil of the Law. But at the same time, through it [the divine soul] the light of the *Shechinah* also spreads over the animal soul and the body. For it is the organs of the body that put the commandments into practice, and the divine soul could not act on the body without the animal soul. Thus, at the moment in which a commandment is put into practice, the vital force involved becomes one with the divine light of the *Shechinah*, and this thereby illuminates the animal soul and the body.» (Zalman 1973, pp. 201–203. – [translation slightly modified].)

At the request of his teacher, the Maggid of Mezritch [Dov Ber of Mezeritch], who himself was a disciple of the Baal Shem, Shneur Zalman also composed a *Shulchan* [the *Shulchan Aruch HaRav*], one in which he adapted the Rabbinic Judaism in the last codification of the Law, authored by Joseph Karo [1488–

1575], maintaining its division and content while implementing a slightly changed and clearer form. This *Shulchan* once again highlights the difference between Hasidism and Karaism. In Karaism, each teacher wrote new law-books that were expressly intended to deviate from the Law of the rabbis; here, in Hasidism, one person wrote a law-book that was—and was intended to be—similar in content, and essentially similar in form, to the Rabbinic code in force.

There are countless versions of the above-cited declarations spanning the various eras and directions of Hasidism. They all express how Hasidism poured its new religious contents entirely into the mold of the Law, recognizing and emphasizing its objectively valid national ties. Only with regard to certain customs (*minhagim*)—customs that differed according to time and place even in the case of Rabbinic Judaism—did Hasidism have its peculiarities. For example, when it came to prayer: the Law prescribes the Eighteen Benedictions and intends for it to occupy a central place in the liturgy. Karaism and the Reform had abolished this prayer in favor of psalms and poetry. Hasidism retained it. The changes it did introduce to the liturgy involved only the addition or omission of pieces in the liturgy for which there was no legally prescribed uniformity in Rabbinic Judaism, either.

c) Shneur Zalman: The attempt to synthesize Hasidism and Rabbinism

We have already shown how certain ideas in Hasidism were related to its social situation: the idea of spiritual and economic equality, of joy, of the love of Palestine, of the tzadik, and of the religiosity of the community. The recognition of the strongest social bond, namely, of the Law, is also closely related to a fundamental religious idea in Hasidism: the idea of sanctifying every action in every moment, seeing God in the «shells» [qliphoth], that is, in this world.

Many Hasidic stories seek to illustrate the religious idea of the sanctification of the world: a person goes to the tzadik not to hear words of wisdom from him, but merely to see him take off his shoes, for even this very mundane action is made holy by him. The religious idea of the sanctification of action underlies the very basis of the Law in Hasidism; indeed, it forms its general religious foundation.

Rabbinic-Talmudic Judaism also applies the principle that «this world» must be placed in the service of God—that is, it must be sanctified. It seeks to achieve this goal through its norms and laws. Hasidism, with its religious idea of seeing God in every moment, is deeply connected with this law. The Law was the strongest possible resonance of this idea, and to Hasidism, it was an adequate expression of its own religious feelings.

Hasidism tried to repenetrate the mysteries of the Law, to rediscover its original connection with the religious. Religious-mystical interpretations of *halacha*, even seemingly «this-worldly» ones such as those concerning the slaughter of livestock, bear witness to this.

The complete retention of the Law in Hasidism did not arise from coercion or inertia, but rather from the fact that Hasidism drew from the often deep and hidden religious sources that flowed within the people and never allowed any laws to be imposed on it from the outside, thus preserving the deepest connection with Judaism. It is precisely in this point that both the bondage and the freedom of the spheres of religious feeling and social action in Judaism becomes clear.

The Law is collective and bound insofar as it constitutes common social action. It thus represents a certain basic attitude toward the world and its meaning. Hasidism has both of these aspects in common with Rabbinic Judaism. What is individual is the way in which this basic attitude is expressed: conceptual-philosophically, or purely emotional-mystically. Indeed, this basic attitude can manifest itself in a multiplicity of forms that differ among one other and are unified only by their common origin.

We must ask how such a fierce battle could arise between Hasidism and its opponents, a battle that was accompanied by excommunications and invocations of state power, when in reality Hasidism was entirely an expression of the Jewish historical body. After all, the ideas of Hasidism did not stand in opposition to Rabbinic Judaism, because the Kabbalah, from whose sources it drew, was among the highest authorities that both had in common. Indeed, the great leaders of Rabbinism (like Joseph Karo, the author of the *Shulchan Aruch*, was an authoritative Kabbalist) and the greatest opponent of Hasidism, the Vilna Gaon were all Kabbalists. Nor could the opposition be based on the fact that Hasidism denied or disregarded the Law.

Apart from the fact that Mitnagdism itself disagreed with Talmudic-Rabbinic Judaism on some issues, the strong opposition to Hasidism could be explained primarily by the historical situation. Before the emergence of Hasidism, the ethnic body had been threatened by grave dangers: namely, by the mystical-messianic movements of Sabbatai Zevi and of Jacob Frank. Both figures bore a decidedly mystical character, declaring the Messianic Age to have come and the Law to have been abolished. Their movements had taken hold of large masses of the people and posed a serious threat, especially when their two leaders converted to other religions and even this apostasy was mystically interpreted and justified by their followers. Men like the Vilna Gaon were still entirely living under the impact of the threats that these heresies had evoked, and they feared that Hasidism—which in its initial stage was a mystical move-

ment precisely of the ignorant people, led by a leader who was not a learned man—might mean a repetition of these disastrous historical events. Still reeling from the impact of these disruptions, a large segment of the learned Rabbinic classes turned against the new movement, which to them was a heresy.

Sociologically speaking, the following is significant: although Hasidism, especially in its formative period, met with strong opposition from the rabbis, and although its founder [the Baal Shem] in his entire nature stood in contrast to the established Rabbinic figure, as soon as the movement's florescence began to wind down, a leader emerged who, in his manner and viewpoints, attempted to synthesize the ideas and essence of Hasidism and Rabbinism: Shneur Zalman of Liadi.

Like his teacher the Great Maggid [Dov Ber of Mezeritch], Shneur Zalman was himself a great scholar and completely devoted to Hasidism. Breaking with the tradition of his predecessors, he brought the importance of study and of the Law to the fore once again. In his book *Tanya*, he undertook a systematization of the Hasidic world of ideas. With this last great leader that Hasidism produced, there occurred a synthesis of Hasidism and Rabbinism—a process that in turn stood in stark contrast to Karaism's course of development, where, although a spiritual kinship still existed between the new sect and Rabbinism in the beginning, with time the rift between them grew wider and wider.

We shall not attempt here to identify the reasons for the decline of Hasidism. It is questionable whether the causes for the dwindling of spiritual intensities among a people can be given at all. Today [1922], the movement that arose to liberate the masses from their own apathy, and that, by giving itself an autonomous system of command, sought to establish the principle of full democracy, has been reduced to a fossilized, backward, and inert mass whose leaders [tzadikim] are absolutely incapable of expressing the personal qualities of a religious genius.

Solomon Schechter, in his highly readable and instructive work *The Chasidim* [1877], argues that the reason the tzadikim system did not lead to even more pernicious consequences was solely due to the fact that the Hasidim as a whole remained faithful to the Law—that is, the very Law whose excessive study the Hasidim initially rejected is what kept the licentiousness of its modern false prophets in check.

We must firmly reject, however, an opinion from Martin Buber ([1922] 2002, p. 67), who writes:

«On the basis of this view, it is understandable why Hasidism had no incentive to break loose any stick from the structure of the traditional law, for according to the Hasidic teaching nothing could exist that was not to be fulfilled with

intention or whose intention could not be discovered. But it is also understandable how just thereby the conserving force secretly remained superior to the moving and renewing one and finally conquered it within Hasidism itself.»

The opposite is true. It was not the bonds of the Law that were to blame for the decline of Hasidism—rather, it was through the exhaustion of Hasidism’s power that the shackles of the Law were also loosened, with the result that the subjectification of the laws also began, even if only slightly.

V.

Conclusion

Let us now briefly summarize the findings of the present investigation. The Judaism of the Diaspora has presented itself to us as a correlation between the social body and the idea immanent to it. The existence of this correlation was guaranteed by the Law. Thanks to this correlation, there was no need for a state or a church.

The religious idea is the foundation of the Law. It can be summarized as «active sanctification of the world.» The Law is the expression of the formation and saturation of the social body with the religious idea. Consequently, the Law directly forms life, but not faith.

The fate of the changing historical body is expressed in the fate of the Law. In both Karaism and the Reform, there was a shift in the position of the Law that was forced by an upper class driven by economic circumstances. In Karaism, the cultural autonomy was essentially preserved; with the Reform, on the other hand, the spirit of capitalism triumphed over the spirit of Judaism. In both cases there was an individualization of the Law and a dogmatization of faith. In Karaism, the biblical law remained binding, at least ideologically; in practice, however, each leader drew up his own law. In the Reform, the principle of the Law was abandoned altogether, and complete freedom was left to each individual. The dogmatic teaching of Karaism grew primarily out of the dominant ideas of the Judaism of that time; the dogmatic teaching of the Reform simply adopted the ideas of the foreign culture and dogmatized them in the name of Judaism.

What both had in common was their contrast to Hasidism when it came to decisive issues. The Hasidic movement did not arise from an upper class, but rather from an extremely oppressed lower class. Hasidism did not intend to change religion for the sake of economics; rather, it sought to overcome economic hardship through the power of religion. It was a religious-social self-emancipation; it did not strive to obtain political-legal emancipation through a third power.

Karaism and the Reform were devoid of new religious ideas; they dogmatized the religious sphere. Hasidism was different: it inserted its own religious life into the sociological structure of Judaism, eschewed dogma, and maintained the objective validity of the Law. The Reform was the uncreative ideological loophole that took the place of mass baptism. Hasidism brought a creative religious solution and overcame pseudo-messianism.

Afterword by Rainer Funk

Erich Fromm's doctoral thesis was written from 1920–1922 under the supervision of sociologist Alfred Weber at the Ruprecht Karl University of Heidelberg, but for various reasons was not published until 1989 (in German, as Volume 2 of *Schriften aus dem Nachlass [Posthumous Writings]*). Partly this was because, in contrast to current academic practice, there was no pressure to publish at the time Fromm completed this work. Moreover, the typewritten copy of the dissertation at the Heidelberg University Library was never formally prepared for publication: it has neither a table of contents nor subheadings and only a very rudimentary structure; furthermore, it does not meet today's standards in terms of language and style, nor with regard to formal requirements (accuracy and uniformity of citation technique, etc.). In his later years, Fromm himself was too preoccupied with other issues to have concerned himself with revising and publishing his dissertation. That he renounced Jewish religious practice in the mid-1920s, emigrated from Germany in 1934, and thereafter lived in the American and Mexican cultural spheres certainly also played a role.

How did this sociological dissertation come about? It took Fromm a good two years after graduating from Frankfurt am Main's Wöhler-Realgymnasium in the spring of 1918 to encounter the subject of sociology (which at that time was still being read within the framework of applied economics) and Alfred Weber as a university professor. Indeed, Fromm studied law for two semesters at the University of Frankfurt before transferring in the 1919 summer semester to the University of Heidelberg (where he lived at Bergheimer Straße 61, then at Plöck 64).

Although Fromm was still enrolled at the law school in Heidelberg up until the 1920 summer semester, his 1919 summer semester academic transcript—which included classes in the history of philosophy, applied economics, and economic history—suggests that he had already begun to cultivate other interests. In the winter semester of 1919–20, he attended «Money and Credit,» «The Stock Exchange and Trade Law,» «Social Politics and Social Movements,» «Theory of Marxism,» and «Problems of Socialization.» It was not until the 1920 summer semester that Fromm switched departments and began studying applied economics under Alfred Weber and Eberhard Gothein. He also attended lectures in philosophy (with Hans Driesch and Heinrich Rickert), theology (with Martin Dibelius), and psychology (with Karl Jaspers).

Fromm's desire to write about the sociological function of the Jewish Law in Diaspora Judaism arose in part from the personal problems he was grappling

with as a doctoral student who was still living entirely according to the strict rules of Jewish Orthodoxy. Certainly, the personality and the research area of his doctoral supervisor, Alfred Weber, also played an important role in his choice of subject matter.

When it came to the formulation of Fromm's research question and the actual composition of his dissertation, however, the strongest influence was undoubtedly his second Talmud teacher, Salman Baruch Rabinkow. Nearly every day between 1920 and 1925, Fromm visited Rabinkow's apartment at Rahmengasse 34 not only to study the Talmud and Jewish history, but also to work through sociological and cultural-historical questions. Rabinkow sympathized with a more intellectual form of Hasidism, Chabad Hasidism, which was founded by Shneur Zalman in Lithuania at the end of the 18th century.⁴ But despite the influence of Rabinkow's personality and way of thinking on the dissertation's subject matter and realization—which should not be underestimated—the work above all reflects the adoption of the terms and concepts devised by Alfred Weber.

What was the motivation behind the posthumous publication of this work, nearly 70 years after it was written? Most notably, this early document holds tremendous significance when it comes to understanding Fromm's later scholarly and humanistic thought. The only other written documents from his time as a student in Frankfurt and Heidelberg are articles that were narrowly focused either on very specific Jewish topics or on the Zionist idea, which Fromm took an interest in for a period of time as a member of a Jewish student association.⁵

Even though Fromm had not yet encountered the instruments of Freud's psychoanalytic theory when approaching his doctoral thesis, his guiding interest in examining what holds Diaspora Judaism together at the societal level is already a socio-psychological one. The doctoral thesis not only shows how Fromm understood the individual as a social being, and how he was therefore able to arrive, in the late 1920s, at an entirely original and genuine combination of psychoanalysis and sociology: it also illustrates that from the beginning, he was familiar with a certain way of assessing social phenomena (cf. Funk

4 Funk 1978, pp. 246–260 and Funk 2014. On Rabinkow's importance for Fromm's studies, but also for an exploration of Rabinkow's own theoretical interests, see Fromm's «Reminiscences of Shlomo Barukh Rabinkow» (Fromm 1987a [1971]); also Funk 1992 and Honigsmann 1992. On Rabinkow himself, see Rabinkow 1929 as well as Jung 1987.

5 For more, see the articles written between 1918 and 1923 that have been reprinted, accompanied by an article by Domagoj Akrap, in Volume 18 of *Fromm Forum* (2014). On Fromm's Jewish socialization and his later relationship to Judaism and the state of Israel, see Akrap 2011 and 2014; Jacobs 2015, pp. 123–132; and Pinkas 2018.

2020). Where social developments run counter to the «spirit» of the Jewish Law and its forms of ethos, the people had to resist the social zeitgeist.

In the context of Fromm research, the reception of this dissertation will lead to its author being understood primarily in terms of his Jewish socialization (specifically, a Judaism that is not assimilated to Christianity), and to a relativization of the significance of the Frankfurt School for his development of theories. If one looks at Fromm's struggle for an adequate formulation of his socio-psychoanalytic theory and method up to the polished formulation, in the winter of 1936–37, of a relational paradigm to explain psychological phenomena, one can see that he worked on his socio-psychological theory until the concept of human beings and their sociality corresponded to that which had become «second nature» to him through his Talmudic research and his conversations with Rabinkow. That is why Fromm could not settle for Freud's concept of man or drive theory, nor with the negative dialectics that then became so prominent with Adorno.

There is in Fromm a deeply anchored hope that man can succeed—and do so utilizing his own strengths and not just because he was redeemed from a corrupt nature, as is seen in (Protestant) Christianity. The «spirit» of the Jewish Law can best be described as the «method for humanity.» Admittedly, in his dissertation Fromm does not yet speak of humanism or of the humanistic critique of religion and society. Rather, this concept of «spirit,» which shows the unspoken influence of Fromm's Talmud teacher Rabinkow, follows from his theological understanding of the Jewish Law as nothing other than the safeguarding of humanity. Fromm's later humanistic twist on the concept of revelation is here already clearly sketched out: his statements in Excursus II on the Jewish understanding of revelation largely correspond to his later understanding of the *unconscious* (see Fromm 1951a, pp. 188–190, and Fromm 1960a, pp. 301–358), *paradoxical logic* (see, for example, Fromm 1956a, pp. 483–387, and the *X-experience* (see Fromm 1966a, pp. 118–120). Here, too, the dissolution of space and time is typical, and the intensity of experience is foregrounded.

Both Fromm's socio-psychological thinking and his humanism are already observable in his dissertation. Until now, these origins have received little acknowledgement in English-language Fromm research; with the present translation of the dissertation into English by Miranda Siegel—100 years after it was written—this deficiency should finally be remedied.

Fromm's work on the sociological function of the Jewish Law in Diaspora Judaism is not only an illuminating document for anyone who seriously studies Fromm's later writings and the sources of his thought: it is also a striking example of Fromm's reading of Jewish history. (Another can be found in his book

You Shall be as Gods, published 40 years later—Fromm 1966a, pp. 83–226.) In the dissertation, this is especially true of his critical assessment of the Reform Movement and Liberal Judaism at the turn of the century, and of his (lifelong) fondness for Hasidism. Finally, the dissertation reveals how extensive Fromm’s knowledge of Jewish history, the Bible, the Talmud, Jewish religious practice, and religious philosophy truly was.

The doctoral certificate, issued under the rectorship of Professor Karl Hampe and signed by Professor Ernst Robert Curtius as Dean of the Faculty of Philosophy, reads:

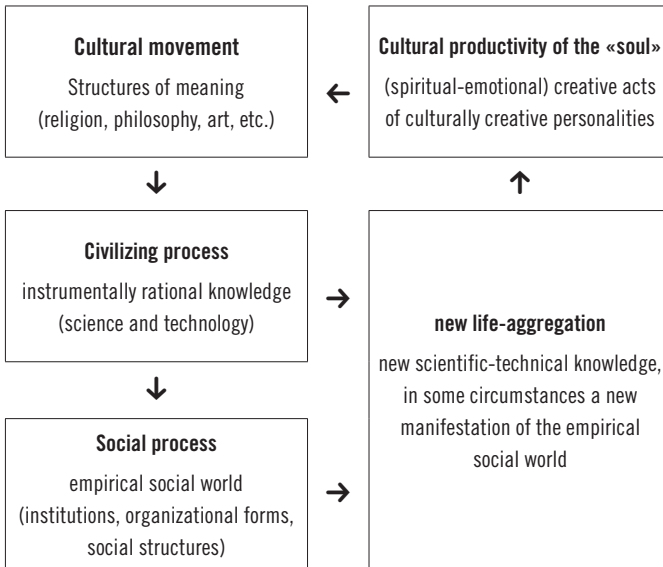
«The Faculty of Philosophy has awarded the title and honor of Doctor of Philosophy to Erich Fromm, born 1900 in Frankfurt am Main. The submitted scientific treatise ‘The Jewish Law: A Contribution to the Sociology of Diaspora Judaism’ has been approved, and the oral examination took place on July 20, 1922. The faculty graded the overall result of both efforts as very good (2). The faculty specialist representative was Professor Dr. Alfred Weber. This certificate was issued in Heidelberg on September 4, 1925, on the 540th anniversary of the University’s founding.» (*Original at the Erich Fromm Institute in Tübingen.*)

As mentioned above, the manuscript on which the publication is based is rife with formal deficiencies that had to be corrected for printing. In numerous passages, the text was smoothed out with regard to style, and restructured. Since the original manuscript contains neither a table of contents nor headings, these were added. Editorial additions within the continuous text are indicated with square brackets. No changes were made to the terminology.

The biblical quotations in the English language are sourced from *The Holy Scriptures According to the Masoretic Text* (1917), and not the Christian editions of the Bible.

For a better understanding of Alfred Weber’s approach and terminology, the following reference points, formulated by Erich Klein-Landskron using Weber’s *Fundamentals of Culture-Sociology [Prinzipielles zur Kulturosoziologie]* (A. Weber 1921), may be helpful. (See also Klein-Landskron 1987, pp. 40–41, 56–63.) Weber’s starting point is the distinction between mind and body from which emerges, sociologically speaking, a two-sphere model of society: a cultural sphere that produces structures of meaning (in Weber’s terminology, «cultural movement» [Kulturbewegung]), and the empirical («corporeal» [körperhaft]) conditions of society (the «social process» [Gesellschaftsprozess]). To this, Weber adds a spiritual sphere—he speaks of a «duality» [Zweiheit] of spirit—which he sees represented in scientific-technical progress. To describe

this sphere, Weber uses the term «civilizing process» [Zivilisationsprozess]; this process is the driving force that transforms the lifeworld [Lebenswelt] of the people, leading to the creation of a new «life-aggregation» [Lebensaggregation]. Exposed to the experience of a changed world, creative personalities—the bearers of the cultural movement—react by producing new structures of meaning and thus imbue («saturate») the civilizing and social process with new meaning.



Alfred Weber understands the historical process [Geschichtsprozess] as a whole according to a three-sphere model guided by the production of meaning [Sinnproduktion] and consisting of cultural movement, civilizing process, and social process.

Glossary

For readers who are not familiar with Judaism, the glossary below attempts to define some of the terms that appear in the dissertation, or are relevant to the material overall:

Aggadah

All those aspects of Jewish tradition that do not deal with religious law (the *halacha*). The aggadic exegesis, which proceeds according to certain rules of interpretation, was cultivated primarily in the Rabbinic period (1st to 5th centuries CE), and then again in Hasidism.

Ashkenazic

Hebrew term for the Jews of Central and Eastern Europe, their customs and speech as distinguished from Sephardic Jews.

Beth midrash

«House of Learning,» a dedicated space for Torah study. A *beth midrash* is distinct from a synagogue, but may also be housed within one (or vice versa).

Chanukah

Festival commemorating the purification and rededication of the Second Temple in Jerusalem and erection of the new altar of burnt offering after the Maccabees' victory over the Syrians (165 BCE).

Decalogue

Literally, «ten words»: the Ten Commandments as found in Exodus 20:1–17 and Deuteronomy 5:6–21.

Diaspora Judaism

The tradition of Jews living outside of the land of Palestine or Israel.

Ecclesiastes (Kohelet) Rabbah

A verse-by-verse aggadic commentary (Midrash) on the Book of Ecclesiastes.

Gaon

Title given to the leaders of the High Rabbinic schools in Babylonia and Palestine in the Early and High Middle Ages.

Halacha

Literally, «the way» or «the way to go,» *halacha* refers in the broadest sense to the religious Law handed down orally, and in the narrower sense to the individual precept. Over time, halachic tradition was linked to the Scripture itself and deduced from it according to certain rules. Written collections of *halachot* have existed in the Mishnah as well since the 2nd century CE. Today, *halacha* is generally understood to refer to the binding Jewish religious Law.

Kabbalah

Originally referred to the entire extra-Pentateuchal doctrine. In the 12th and 13th centuries, Kabbalah developed as a mystical-theological countermovement against the prevailing rationalism (especially that of Moses Maimonides, 1135–1204) according to the medieval reception of Aristotle. The most important work of Kabbalah is the Zohar, which also influenced Hasidism.

Mezuzah

A piece of parchment inscribed with verses from the Torah, and contained in small box that is affixed to the doorposts of Jewish homes.

Midrash

The *midrashim* are written records of sermons and speeches that follow a particular method of Scriptural interpretation, as practiced in synagogues and houses of learning between the 1st and 6th centuries CE. *Midrash* also refers to the literary genre of commentary (for example, the continuous commentaries on the Pentateuch), as well as homiletic and tractate writings.

Mikveh

An immersion bath used for a number of rituals in Judaism.

Minhag, Minhagim

Any religious custom or group of customs in Judaism that have acquired the legally binding force of the Law.

Mishnah

The oral interpretations of the *Pentateuch*, the *Torah*, were collected by the Tannaim (Rabbinic scribes) in the first two centuries after Christ and finally put down in writing in the *Mishnah*. The collection, divided into six orders, comprises a total of sixty-three tractates that discuss agriculture, festivals and the Sabbath, marriage and divorce, civil and criminal law, sacrifice and temple worship, and ritual purity and impurity.

Mitnagdim, Mitnagdism

Mitnagdim, from the perspective of Hasidism, are all those who are interested in the study of the Talmud and Rabbinic («theological») argumentation instead of Hasidic («pietistic») devoutness. This is how Hasidim distinguished themselves from all Mitnagdim, and how Hasidism distinguished itself from Rabbinism and Mitnagdism overall.

Mitzvah, Mitzvot

Commandment, commandments.

Pentateuch

The «Five Books of Moses,» that is, Genesis, Exodus, Leviticus, Numbers, and Deuteronomy, are seen as a unit in the Jewish tradition and form the «Law,» or *Torah* in Hebrew.

Passover

Or «Pesach»: feast of unleavened bread (according to Exodus 13:7 f.) commemorating the Exodus from Egypt.

Qliphoth

In Jewish mysticism, the metaphorical «shells» representing the evil and impure forces that surround divine light.

Rabbi (also Rab or Rav)

A title of Palestinian origin, formerly given to scholars. Today, it is a general Rabbinic title (Hebrew: «my teacher, my master»).

Rabbi (Rabbiner)

Teacher of the Law and spiritual leader of a Jewish congregation.

Rabbinic Sages, Rabbinic scholars (Rabbinen)

Scholars of the Law in the Pharisaic-Talmudic tradition.

Rabbinism

Pharisaic-Talmudic doctrinal tradition for which the Talmud is of central importance.

Shechinah

Divine radiance, divine spark; sometimes also used synonymously with «Holy Spirit» (*ruach ha-kodesh*).

Shmita

Or «Sabbath year,» observed in Israel, is the seventh year in the seven-year agricultural cycle. During this time, the land must lie fallow, and all planting, plowing, and harvesting must cease.

Shulchan Aruch

A code written by Joseph ben Ephraim Karo in 1555 from the compendium of Jewish ritual law, civil law, and criminal law that he published. The *Shulchan Aruch* («set table») was later expanded, annotated, and modified, but remains seminal for Judaism to this day.

Seder

Literally, «order» (Hebrew), *Seder* refers to both liturgical order (at Passover) and the structure of the Talmud.

Sephardic

The Jews of Spanish-Middle Eastern origin and their tradition, as distinguished from *Ashkenazic* Jews.

Sanhedrin

The supreme Jewish authority for Jews in Palestine and the Roman Empire after the destruction of the Second Temple (70 CE).

Shiva

A week-long mourning period following the burial of a member of the immediate family. Mourners are required to abstain from working or conducting business.

Sukkot

Temporary ritual huts associated with the weeklong Jewish festival of the same name.

Tag

A decorative «crown» drawn over some Hebrew letters.

Talmud

Usually refers to the oral traditions of the Old Testament that were put down in writing by the Tannaim in a work known as the Mishnah, as well as the collection of interpretations of the Mishnah, a work known as the Gemara, on the part of the Amoraim. In addition to the older Palestinian Talmud, also known as the Jerusalem Talmud, there is the more important Babylonian Talmud, completed around 500 CE. The Talmud is divided into thematic tractates, which in turn are assigned to a total of six orders (*se-darim*).

Tefillin

Or *phylacteries*, are a set of small black leather boxes, with two straps, contained scrolls of parchment inscribed with Torah verses. *Tefillin* are worn by adult Jews during morning prayers on weekdays.

Torah

The law of the Jews, the commandments given by Yahweh through Moses, as well as the prescriptions of the prophets and the priests, as they found their expression in the *Pentateuch*. However, «Torah» also refers to the entire complex of the religious tradition of Judaism.

Tzaddik

Literally, «righteous one» (Hebrew); a religious leader in Hasidism.

Tzitzit

Knotted ritual fringes or tassels worn on ceremonial four-corner garments.

Yom Kippur

The «Day of Atonement,» the holiest day of the year in Judaism, focuses on individual and collective purification and is marked by a fast and special religious service. It concludes the 10-day period of repentance that begins on *Rosh Hashanah*, New Year's Day in the Jewish calendar.

Yom Tov Sheni

The observance in the Diaspora of Jewish holidays for an extra day (which often means two days instead of one).

References

- Akrap, Domagoj, 2011: *Erich Fromm – ein jüdischer Denker. Jüdisches Erbe – Tradition – Religion*, Münster (LIT-Verlag).
- , 2014: «Erich Fromms frühes zionistisches Engagement,» in: *Fromm Forum* (German Edition), Vol. 18, pp. 130–135.
- Baumeister, Martin, Lenhard, Philipp, Nattermann, Ruth, Eds. (2020): *Rethinking the Age of Emancipation: Comparative and Transnational Perspectives on Gender, Family, and Religion in Italy and Germany, 1800–1918*, New York, Oxford (Berghahn Books).
- Buber, Martin, 1906: *Die Geschichten des Rabbi Nachman*, Frankfurt am Main (Literarische Anstalt Rütten und Loening).
- , 1916: *Vom Geist des Judentums*. Reden und Geleitworte, Leipzig (Kurt Wolff).
- , 1922a: *Der große Maggid und seine Nachfolge*, Frankfurt am Main (Literarische Anstalt Rütten und Loening).
- , 1922b: *Die Legende des Baalschem*, Frankfurt am Main (Literarische Anstalt Rütten und Loening).
- , 2002 [1922]: «*Spirit and Body of the Hasidic Movement*,» in: *The Martin Buber Reader*, edited by Asher D. Biemann, New York (Palgrave Macmillan), pp. 63–71.
- , 2019 [1922]: «*Spirit and Body of the Hasidic Movement*,» in: *A New Hasidism: Roots*, edited by Arthur Green and Ariel Evan Mayse, Philadelphia (The Jewish Publication Society), pp. 95–117.
- Caro, Georg, 1908: *Sozial- und Wirtschaftsgeschichte der Juden im Mittelalter und der Neuzeit*, Vol. 1, Das frühe und das hohe Mittelalter, Leipzig (Gustav Fock).
- Cohen, Hermann, 1919: *Die Religion der Vernunft aus den Quellen des Judentums*, Leipzig (Gustav Fock).
- Depping, Georg Bernhard, 1834: *Die Juden im Mittelalter*, Stuttgart (E. Schweizerbart's Verlagshandlung).
- Dohm, Christian Wilhelm, 1781: *Über die bürgerliche Verbesserung der Juden*, Berlin (Friedrich Nicolai).
- Dubnow, Simon, 1916: *History of the Jews in Russia and Poland From the Earliest Times Until the Present Day*, Vol 1: *From the Beginning Until the Death of Alexander I (1825)*, translated by Israel Friedlaender, Philadelphia (The Jewish Publication Society of America).

- , 1918: *History of the Jews in Russia and Poland From the Earliest Times Until the Present Day*, Vol. 2: *From the Death of Alexander I until the Death of Alexander III (1825–1894)*, translated by Israel Friedlaender, Philadelphia (The Jewish Publication Society of America).
- , 1920: *Die neueste Geschichte des jüdischen Volkes*, Vol. 1: *Das Zeitalter der ersten Emanzipation*, Berlin (Jüdischer Verlag).
- , 1929: *Die neueste Geschichte des jüdischen Volkes*, Vol. 2: *Das Zeitalter der ersten Reaktion. Das Zeitalter der zweiten Emanzipation*. Berlin: Jüdischer Verlag, 1929.
- , 1931: *Geschichte des Chassidismus in zwei Bänden*, translated by Aaron Steinberg, Berlin (Jüdischer Verlag).
- Erder, Yoram, 2004: *The Karaite Mourners of Zion and the Qumran Scrolls: On the History of an Alternative to Rabbinic Judaism*, Tel Aviv (Hakibbutz Hameuchad).
- Freund, Ismar, 1912: *Die Emanzipation der Juden in Preußen unter besonderer Berücksichtigung des Gesetzes vom 11. März 1812. Ein Beitrag zur Rechtsgeschichte der Juden in Preußen*, 2 vols., Berlin (M. Poppelauer).
- Friedländer, Max Hermann, 1890: *Die Arbeit nach der Bibel, dem Talmud und den Aussprüchen der Weisen in Israel*, Piseck (Brünn, Epstein und Comp.).
- Fromm, Erich, 1951a: *The Forgotten Language. An Introduction to the Understanding of Dreams, Fairy Tales and Myths*, New York (Rinehart and Co.).
- , 1956a: *The Art of Loving. An Inquiry into the Nature of Love* (World Perspectives Vol. 9, planned and edited by Ruth Nanda Anshen), New York (Harper and Row).
- , 1960a: *Zen Buddhism and Psychoanalysis*, New York (Harper and Row).
- , 1966a: *You Shall Be as Gods. A Radical Interpretation of the Old Testament and Its Tradition*, New York (Holt, Rinehart and Winston).
- , 1987a [1971]: «Reminiscences of Shlomo Barukh Rabinkow,» in: *Sages and Saints*, ed. Leo Jung, Hoboken (Ktav Publishing House), pp. 99–105.
- , 1989b [1922]: *Das jüdische Gesetz. Zur Soziologie des Diaspora-Judentums*. Dissertation von 1922, edited by Rainer Funk and Bernd Sahler, Weinheim/Basel (Beltz Verlag). Revised in: *Gesamtausgabe in 12 Bänden*, vol. 11, edited by Rainer Funk, Stuttgart (Deutsche Verlags-Anstalt, Deutscher Taschenbuch Verlag), 1999, pp. 19–126.
- Funk, Rainer, 1978: *Mut zum Menschen. Erich Fromms Denken und Werk, seine humanistische Religion und Ethik. Mit einem Nachwort von Erich Fromm*, Stuttgart (DVA); English translation: *The Courage to be Human*, New York (Continuum), 1982.
- , 1992: «Der Humanismus in Leben und Werk von Erich Fromm,» in: *Wissenschaft vom Menschen – Science of Man*. Münster (Lit-Verlag), pp. 133–152.

- , 2014: «Erich Fromms Wertschätzung des Chassidismus,» in: *Fromm Forum* (German Edition), Vol. 18, pp. 46–50.
- , 2020: «Die Bedeutung der Psychoanalyse für das Denken Erich Fromms,» in: *Fromm Forum* (German Edition), Vol. 24, pp. 24–40.
- Funk, Salomon, 1902: *Die Juden in Babylonien 200–500*. Part 1, Berlin (M. Poppelauer).
- , 1908: *Die Juden in Babylonien 200–500*. Part 2, Berlin (M. Poppelauer).
- Fürst, Julius, 1862: *Geschichte des Karäerthums bis 900 der gewöhnlichen Zeitrechnung*, Leipzig (Nies'sche Buchdruckerei).
- , 1865: *Geschichte des Karäerthums von 900 bis 1575 der gewöhnlichen Zeitrechnung*, Leipzig (Oskar Leiner).
- Geiger, Abraham, 1872: «Ein weltgeschichtlicher Wendepunkt,» in: *Jüdische Zeitschrift für Wissenschaft und Leben*, Vol. 10, No. 1-2, pp. 1–4.
- Graetz, Heinrich, 1870: *Geschichte der Juden vom Beginn der Mendelssohn'schen Zeit bis in die neueste Zeit (1848)*. Vol. 11 of *Geschichte der Juden von den ältesten Zeiten bis auf die Gegenwart*, Leipzig (Oskar Leiner).
- , 1872: *Geschichte der Juden vom Abschluss des Talmud (500) bis zum Aufblühen der jüdisch-spanischen Cultur (1027)*. Vol. 5 of *Geschichte der Juden von den ältesten Zeiten bis auf die Gegenwart*, 2nd ed., Leipzig (Oskar Leiner).
- , 1882: *Geschichte der Juden von der dauernden Ansiedlung der Marranen in Holland (1618) bis zum Beginne der Mendelssohn'schen Zeit (1750)*. Vol. 10 of *Geschichte der Juden von den ältesten Zeiten bis auf die Gegenwart*, 2nd ed., Leipzig (Oskar Leiner).
- , 1895: *History of the Jews*. Vol. 5. Abridged English edition, edited by Bella Löwy, Philadelphia (Jewish Publication Society of America),
- Green, Arthur, Mayse, Ariel Evan (Eds.), 2019: *A New Hasidism: Roots*, Lincoln (University of Nebraska Press).
- Groiser, David, 2005: «Jewish Law and Tradition in the Early Work of Erich Fromm,» in: *The Early Frankfurt School and Religion*, ed. by Margerete Kohlenbach and Raymond Geuss, New York (Palgrave Macmillan), pp. 128–144.
- Harkavy, Abraham, 1901: «Anan ben David. Founder of the Karaite Sect,» in: *The Jewish Encyclopedia*, Vol. 1, New York (Funk and Wagnalls Co.). pp. 553–556.
- Heiler, Friedrich, 1920: *Das Gebet*, Munich (Reinhardt).
- Heilmann, R. Chaim Meir, 1902: *Beth Rabbi*, Vol. 2, (Berditchev).
- Herzfeld, Levi, 1879: *Handelsgeschichte der Juden im Altertum*, Braunschweig (Johann Heinrich Meyer).
- Heyd, Wilhelm, 1879a: *Geschichte des Levantehandels im Mittelalter*, Vol. 1, Stuttgart (J. G. Cotta'sche).

- , 1879b: *Geschichte des Levantehandels im Mittelalter*, Vol. 2, Stuttgart (J. G. Cotta'sche).
- , 1885: *Histoire du commerce du Levant au moyen-âge*, translated by Raynaud Furcy, Leipzig (Otto Harrassowitz).
- Honigmann, Peter, 1992: «Jüdische Studenten zwischen Orthodoxie und moderner Wissenschaft. Der Heidelberger Talmudistenkreis um Salman Baruch Rabinkow,» in: *Menora. Jahrbuch für deutsch-jüdische Geschichte*, pp. 85–96.
- Holdheim, Samuel, 1843: *Ueber die Autonomie der Rabbinen und das Prinzip der jüdischen Ehe. Ein Beitrag zur Verständigung über einige das Judentum betreffende Zeitfragen*, Schwerin (Kürschner).
- Horodezky, Samuel Aba, 1920: *Religiöse Strömungen im Judentum. Mit besonderer Berücksichtigung des Chassidismus*, Bern (Ernst Bircher).
- Jacobs, Jack, 2015: *The Frankfurt School, Jewish Lives, and Antisemitism*, New York (Cambridge University Press).
- Jaulus, Heinrich, 1876: «Zur Gemeindeverfassung der Karäer in Konstantinopel,» in: *Monatsschrift für Geschichte und Wissenschaft des Judentums*, Vol. 25, pp. 73–77.
- Jellinek, Adolf, 1882: *Der jüdische Stamm in nicht-jüdischen Sprichwörtern*. Vol. 2, Vienna (Bermann und Altmann).
- Jost, Isaak Markus, 1858: *Geschichte des Judentums und seiner Sekten*, 2nd ed., Vol 2, Leipzig (Dörffling und Franke Verlag).
- Jung, Leo (Ed.), 1987: *Sages and Saints*, Hoboken (Ktav Publishing House).
- Klein-Landskron, Erich, 1987: *Die Theorie des Subjekts bei Erich Fromm*, Frankfurt am Main (Campus).
- Krasnosselsky, Leizar, 1912: *Zur Geschichte der Karäer im russischen Reiche*. Dissertation, Bern (H. Spahn).
- Krauss, Samuel, 1911: *Talmudische Archäologie*, Vol. 2, Leipzig (Gustav Fock).
- , 1914: *Studien zur byzantinisch-jüdischen Geschichte*, Leipzig (Gustav Fock).
- Mendelssohn, Moses, 1919: *Jerusalem oder über religiöse Macht und Judentum*, Berlin (Welt-Verlag).
- , 1983: *Jerusalem*, translated by Alan Arkush, Lebanon, NH (Brandeis University Press).
- Meyer, Michael, 1988: *Response to Modernity: A History of the Reform Movement in Judaism*, New York (Wayne State University Press).
- Montefiore, Claude, 1903: *Liberal Judaism*, London (Macmillan and Co.).
- , 1906: *Liberales Judentum*, translated by Oscar Plaut, Leipzig (C. E. M. Pfeffer).
- Neubauer, Adolf, 1866: *Beiträge und Dokumente aus der Geschichte des Karäertums und der karäischen Literatur*, Leipzig (Oskar Leiner).

- Neusner, Jacob, 2005: *The Law of Agriculture in the Mishnah and the Tosefta*, Leiden (Brill).
- Philippson, Martin, 1907: *Neueste Geschichte des jüdischen Volkes*, Leipzig (Gustav Fock).
- Philipson, David, 1906: «The Breslau Rabbinical Conference,» in: *The Jewish Quarterly Review*, Vol. 18, No. 4, pp. 621–663.
- , 1906b: «The Frankfort Rabbinical Conference: 1845,» in: *The Jewish Quarterly Review*, Vol. 18, No. 2, pp. 251–290.
- Pinkas, Ronen, 2018: «Reflections on Erich Fromm’s Position on Religion in Light of Hermann Cohen,» in: *Fromm Forum* (English Edition), Vol. 22, pp. 126–142.
- Polliack, Meira, 2003: «Major trends in Karaite Biblical Exegesis in the Tenth and Eleventh Centuries,» in: *Karaite Judaism: A Guide to its History and Literary Sources*, ed. by Meira Polliack, Leiden (Brill), pp. 363–413.
- Protokolle, 1845: *Protokolle und Aktenstücke der zweiten Rabbiner-Versammlung*, held in Frankfurt am Main from July 15–28, 1845, Frankfurt am Main (Verlag der E. Ullmann’schen Buch-, Zunft- und Antiquariats-Handlung).
- Protokolle, 1847: *Protokolle der dritten Versammlung deutscher Rabbiner*, held in Breslau from July 13–24, 1846, Breslau (F. E. C. Leuckart Verlag).
- Rabinkow, Samuel Baruch, 1929: «Individuum und Gemeinschaft im Judentum,» in: *Soziologie der Person*, Vol. 4 of *Die Biologie der Person. Ein Handbuch der allgemeinen und speziellen Konstitutionslehre*, ed. by Theodor Brugsch and Friedrich H. Lewy, Berlin (Urban und Schwarzenberg), pp. 799–824.
- Richtlinien 1912: *Richtlinien zu einem Programm für das liberale Judentum* nebst den Referaten und Ansprachen auf den Rabbinerversammlungen zu Berlin und Frankfurt am Main und auf der Delegiertenversammlung der Vereinigung für das liberale Judentum zu Posen, Frankfurt am Main (Voigt & Gleiber).
- Schechter, Solomon, 1888: «The Dogmas of Judaism,» in: *The Jewish Quarterly Review*, Vol. 18, No. 1, pp. 48–61.
- , 1896: *Studies in Judaism*, Philadelphia (Macmillan).
- , 1904: *Die Chassidim. Eine Studie über jüdische Mystik*, translated by Olga Tausig, Leipzig, Berlin (Jüdischer Verlag).
- Schipper, Ignacy, 1907: *Anfänge des Kapitalismus bei den abendländischen Juden im Früheren Mittelalter*, Vienna (Wilhelm Braumüller).
- Schubert, Hans von, 1919: *Grundzüge der Kirchengeschichte*, 6th ed., Tübingen (J.C.B. Mohr – Paul Siebeck).
- Sefaria, 2021a: *Kiddushin 4:14* | Sefaria. [online] Available at: [sefaria.org/Mishnah_Kiddushin.4.14](https://www.sefaria.org/Mishnah_Kiddushin.4.14) [Accessed October 24, 2021].

- , 2021b: *Bava Metzia 112a* | Sefaria. [online] Available at: sefaria.org/Bava_Metzia.112a [Accessed October 24, 2021].
- Seligmann, Caesar, 1913: *Eine Abrechnung*, Frankfurt am Main (J. Kauffmann).
- Shakespeare, William, 2003: *The Merchant of Venice*, edited by M. M. Mahood, Cambridge (Cambridge University Press).
- Sombart, Werner, 1903: *Die deutsche Volkswirtschaft im 19. Jahrhundert*, Berlin (Bondi).
- , 1911: *Die Juden und das Wirtschaftsleben*, Leipzig (Duncker und Humblot).
- , 1913: *The Jews and Modern Capitalism*, translated by Mordecai Epstein, New York (E. P. Dutton & Co.).
- Strack, Hermann Leberecht, 1908: *Einleitung in den Talmud*, 4th ed., Leipzig (J. C. Hinrichs'sche Buchhandlung).
- The Holy Scriptures According to the Masoretic Text, 1917: A New Translation, Philadelphia (The Jewish Publication Society of America).
- Weber, Alfred, 1920/1921: «Prinzipielles zur Kultursoziologie,» in: *Archiv für Sozialwissenschaft und Sozialpolitik*, Vol. 47, pp. 1–49.
- Weber, Max, 1920: *Gesammelte Aufsätze zur Religionssoziologie*, Vol. 1, Tübingen (J. C. B Mohr).
- , 1921: *Gesammelte Aufsätze zur Religionssoziologie*, Vol. 3, Tübingen (J. C. B Mohr).
- , 1992 [1905]: *The Protestant Ethic and the Spirit of Capitalism*, translated by Talcott Parsons, London (Routledge).
- Wellhausen, Julius, 1895: *Israelitische und jüdische Geschichte*, Berlin (Georg Reimer).
- Wünsche, August, 1880: *Der Midrasch Kohelet*, Leipzig (Otto Schulze).
- Zalman, Shneurim 1973 [1796]: *Likutei Amarim (Tanya)*, translated by Nissan Mindel, Vol. I, New York («Kehot» Publication Society).
- Zunz, Leopold, 1843-1844: «Thefillin. Eine Betrachtung,» in: *Jahrbuch für Israeliten*, Vol. 2, pp. 172–176.

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Rainer Funk