

**Visions of Citizenship and State: Debating Jews
and Judaism in Eighteenth-Century Prussia**

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Short Abstract

Visions of Citizenship and State: Debating Jews and Judaism in Eighteenth-Century Prussia

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This dissertation explores debates about Jews and Judaism in eighteenth-century Prussia. Methodologically, it adopts the contextual approach associated with the Cambridge School of intellectual history, exploring the complex connection between attitudes towards Jews, and the intellectual influences of the eighteenth-century German Enlightenment. It builds upon recent scholarship which stresses the importance of seeing eighteenth- and nineteenth-century German Jewry in its own terms and not through the lens of the Holocaust. The primary aim of this dissertation is to show that the eighteenth century witnessed a remarkable transformation in perceptions of Jews and Judaism — a transformation which helped lay the groundwork for the Jewish entry into modernity. By treating the entire chronological span of the eighteenth century, this study not only sheds new light on familiar terrain, such as Christian Wilhelm von Dohm's famous plea for emancipation; it also addresses themes which have largely been neglected. Chapter 1 investigates the origins of the eighteenth-century Jewish question, exploring early modern German responses to the experience of Jewish social mobility. Chapter 2 examines and conceptualises mid-eighteenth-century utilitarian arguments for toleration *vis-à-vis* Jews. Chapter 3 offers a reassessment of Dohm's humanitarian arguments for emancipation. Chapter 4 treats the debate about Jewish military service. Chapter 5 studies Immanuel Kant's influence on late eighteenth-century controversies about Jewish religious reform.

Long Abstract

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This dissertation explores debates and controversies about Jews and Judaism in eighteenth-century Prussia. Despite substantial scholarship on the subject of Jewish emancipation, there continue to be gaps and shortcomings. In older historiography, German-Jewish history was examined through the lens of the Holocaust. Eighteenth-century intellectuals were interpreted in the light of what occurred in Nazi Germany between 1933–45. Recent scholarship has adopted a more contextual approach. However, historians mainly focus on the immediate causes and effects of emancipation, whilst neglecting themes which seem to hold little relevance in this regard.

My study provides a broad coverage of German-Jewish relations in the eighteenth century. It shows that the eighteenth century witnessed a remarkable transformation in perceptions about Jews and Judaism. This transformation preceded, and paved the path for, the political, social, demographic, and economic changes which befell German Jewry during the nineteenth century. By treating the entire chronological span of the eighteenth century, this study not only sheds new light on familiar terrain, such as Christian Wilhelm von Dohm's famous plea for emancipation; it also addresses themes which have largely been neglected (see below). It offers reassessments of key thinkers, but also examines a range of little-known or forgotten figures.

In terms of methodology, I have adopted the contextual approach to intellectual history closely associated with Quentin Skinner and the Cambridge School. I am guided by the understanding that debates and controversies about Jews and Judaism functioned in a complex framework of reciprocal influences. They can only be comprehended in the broader intellectual, political, and historical contexts in which they emerged. In this case,

I pay close attention to the complex connection between controversies about Jews and Judaism, and the intellectual influences of the eighteenth-century German Enlightenment. I show that the Enlightenment played a major role in shaping the relationship between Germans and Jews in the modern era.

My study is divided into five chapters. The first chapter establishes a point of departure for the chapters which follow. In the existing literature, it is sometimes assumed that the process of Jewish emancipation began in the seventeenth century: a new conception of the Jew arose due to the flowering of *raison d'état* thought, of which mercantilism was the economic expression. My research qualifies this view. I argue that early modern German economic thinkers vehemently opposed Jewish social mobility. To illustrate this point, I examine the thought of Ludwig Veit von Seckendorff and Johann Joachim Becker. Seckendorff believed that Jews could only be tolerated within the framework of Christian theology, whereas Johann Joachim Becher warned that Jews posed an economic threat to society and should therefore be expelled.

Why were Jews allowed to return to German territories after a century of expulsions? What role did they play in the restructuring of European society? These questions can be answered if we consider the political struggle between princes and feudal actors in the early modern period. Frederick William (1620–1688) invited Jews to settle in Brandenburg-Prussia because he wanted to challenge the authority of his estates, by creating an independent tax base. In the early modern period, Jews became closely associated with the collapse of feudal structures. The Jewish presence in German states was deeply unpopular, since it challenged religious and social norms which had existed for centuries. Given the widespread hostility towards Jews, and their precarious legal situation, I argue that it is misleading to portray this period as a prelude to emancipation.

I gather further evidence for this conclusion by looking at the rise and fall of the court Jew Joseph Süß Oppenheimer (1699–1737). Süß succeeded in stepping out of the ghetto after befriending the Duke of Württemberg, Charles Alexander (1684–1737). Within a few years, he had become Charles Alexander's minister of finance. In this capacity, he devised several deeply unpopular policies which challenged feudal power structures. When Charles Alexander abruptly died, Süß was subjected to a sham trial and executed. In the final pages

of the chapter, I investigate contemporary reactions to his rise and fall. Citing a wide range of pamphlets, I conclude that the court Jew culture was widely regarded as an illegitimate post-Reformation development; Jewishness became closely associated with the ambition to subvert Christian society.

The second chapter studies the earliest utilitarian arguments for toleration *vis-à-vis* Jews. In the existing scholarship, it is assumed that Christian Wilhelm von Dohm's *Über die bürgerliche Verbesserung der Juden* (1781) was responsible for shifting the ground of debate from religion to politics. My research proves that a political discussion about Jews began several decades earlier. A new mode of thinking about toleration was introduced by Christian Wolff (1679–1754) — the leading natural law theorist of the well-ordered police state. According to Wolff's political theory, all practices which contribute to the common good of society, including policies of religious toleration, can legitimately be pursued. Foreigners, however, are not represented in the state's pursuit of general happiness. Therefore, the state is justified in discriminating against tolerated minorities if doing so would further the welfare of the native population.

Over the course of the chapter, I study the influence of this model of toleration on mid-eighteenth-century discussions about Jews. The Selichot debate, a relatively little-known theological controversy, marks the earliest occasion that utilitarian considerations were raised in debates about Jews in Germany. My discussion mainly concentrates on the views presented by Johann David Michaelis and Siegmund Jakob Baumgarten. Both thinkers maintained that the modern state was neutral in matters of religion. Therefore, the toleration of Jews could not be opposed using theological arguments. Wolff's influence on Baumgarten is particularly noticeable. Baumgarten argued that the state was not directly responsible for the welfare of Jews since the Jews were foreigners. Nonetheless, Jews should be granted the maximum civil liberties compatible with a pursuit of the common good.

Wolff also had a strong influence on eighteenth-century cameralist discussions. Cameralist thinkers were less concerned about theoretical arguments for toleration than about practical considerations. They believed that toleration would only be beneficial to society if the Jews were governed by efficient laws and regulations. To illustrate this point,

I study the work of Johann Heinrich Gottlob von Justi. Justi applied Wolffian natural law to build a system of policy. Although he was not an outright defender of the Jews, he challenged the opinion that Jews and Gentiles were automatically caught up in a zero-sum relationship. I conclude that mid-eighteenth-century cameralist thinkers helped overturn the image of the Jew as economic parasite. Nonetheless, for each of the thinkers I study in this chapter the Jews could only be tolerated within the limits of the common good, which is why equality of rights was out of the question.

In the third chapter, I provide a reassessment of Christian Wilhelm von Dohm. It is generally supposed that Dohm's main arguments for Jewish emancipation were statist in character. I challenge this assumption, showing that Dohm was strongly influenced by the Enlightenment concern for humanitarian reform. I contend that the key to understanding Dohm's humanitarian argument lies in the oft-forgotten concept of *Menschenliebe*, love of humanity. By the late eighteenth century, this concept was employed in a variety of different contexts. Supporters of Jewish equality of rights believed that *Menschenliebe* demanded an end to the state's unfair treatment of Jews. Their opponents objected that Jews were incapable of *Menschenliebe* and were therefore ineligible for citizenship. Dohm attempted to resolve this conflict by challenging prevalent eighteenth-century ideas about the origins and nature of Jewish misanthropy. French thinkers, notably Voltaire, believed that misanthropy went back to biblical times, and was an unchanging element in the Jewish character. German thinkers, under the influence of Johann Andreas Eisenmenger, argued that misanthropy was a post-biblical development, the product of rabbinic Judaism.

Dohm conceded that Jews hated Christians. He contended, however, that Voltaire and Eisenmenger had failed to understand the causes of Jewish misanthropy. Jews hated Christians not because of an inherent character flaw, nor because of rabbinic principles, but because of their historic persecution by Christians. According to Dohm, positive religion severs the natural bonds of humanity, i.e. man's natural capacity for *Menschenliebe*. Unlike previous critics of the Jewish people, Dohm believed that the Jews were improvable, and were therefore worthy objects of the Enlightenment's emancipatory mission. According to Dohm, the purpose of the state is to repair the natural bonds of humanity. As citizens of the state all individuals, irrespective of their religious beliefs,

rediscover their shared humanity. After exploring Dohm's theoretical arguments, I study his practical recommendations for educational reform, which can only be understood in the context of his concern for *Menschenliebe*. I compare his ideas to those of Johann Bernard Basedow, who founded the Philanthropinum school.

The fourth chapter examines the late eighteenth-century debate over the suitability of Jews for military service. I explore the role this debate played in the politicisation of the late Haskalah. The discussion was initiated by Johann David Michaelis. Michaelis argued that the Jews' dietary requirements and their commitment to the Sabbath rendered it impossible for them to become soldiers in modern European armies. The Jews might not be misanthropic, but that did not automatically mean that they were capable of fulfilling the obligations of modern citizenship. The first reply came from Moses Mendelssohn, who argued that the state was not responsible for resolving the conflict between civic duties and religious law; if the fatherland needed defending, Jews would modify their religious principles accordingly. It has been said that Mendelssohn's reply represented a departure from Jewish tradition, since he seemingly denied the absolute obligation to obey the ceremonial laws of Judaism. I show that Mendelssohn's response can be read as an application of the Talmudic dictum *dina de-malkhuta dina*, which claims that the laws of the state are binding, so long as they pertain to the state's mission.

For the remainder of the chapter, I study Mendelssohn's influence on later discussions about Jewish military service. My aim is to show that Jewish thinkers were able to refute the claim that traditional Judaism was incompatible with the obligations and functions of modern citizenship. First, I look at Jewish responses to the military reforms of Emperor Joseph II, which extended conscription to Jews in Galicia. Although Galician Jews were alarmed by the new legislation, most *maskilim* — and even some members of the rabbinic hierarchy — supported it. They consistently cited Mendelssohn to justify their arguments. I follow this discussion by examining reactions in the Prussian press to the news that Jews had become soldiers in the Austrian army.

Finally, I study David Friedländer's contribution to the debate about Jewish military service. Friedländer was the leading figure in the Jewish reform movement (1787–92). In his view, the widespread perception that Jews were incapable of becoming soldiers

remained a major obstacle to emancipation. He argued that the underlying problem would be solved if the Prussian state abandoned the practice of treating the Jews as a corporate entity. If the Jew as an individual could be emancipated, then it would no longer be necessary to address halakhic issues. Pointing to the situation in Austria, Friedländer argued that experience had proven that Jews — at least some Jews — were willing to fight as soldiers in European armies. At the end of the chapter I briefly discuss the military question in the context of the 1812 Edict of Emancipation.

The fifth chapter investigates the emergence of an agenda for Jewish religious reform. By the last decade of the eighteenth century, several radical Jewish thinkers had openly turned their backs on traditional Judaism. They justified this departure by appealing to the critical philosophy of Immanuel Kant. What was it about Kant's philosophy which inspired Jewish thinkers? This is the main question I deal with in this chapter. I also offer a reassessment of Kant's opinions about Judaism. In the existing literature, Kant is often treated as one of Judaism's fiercest critics. Supposedly Kant believed that Judaism, in contrast to Christianity, was not really a religion at all, but merely a union of people from the same tribe who created a political community under purely political laws. Since Jews were incapable of moral autonomy, they also could find no place in Kant's moral vision of a future world.

My research shows that this conclusion is based on a superficial reading of Kant. Undeniably, Kant believed that Jewish law involved a reduction of ethics to legalism and was therefore incompatible with moral autonomy. However, he was well aware that the demands of practical reason remained far removed from the reality of eighteenth-century Europe — even amongst Christians. Kant was a philosopher of religious reform. In his opinion, the task of the Enlightenment was to close the gap between the religious ideal and reality, bringing historical religion closer to universal moral religion. It is my contention that Kant's critique of traditional Judaism must be read against the background of the anti-clerical assaults launched upon the rabbinical elite by radical *maskilim*. For thinkers such as Salomon Maimon and Moses Hirschel, the rabbinate was a despotic institution which kept the Jews bound in chains by denying freedom of thought and communication. Following Maimon, Kant regarded Judaism as an aristocracy of priests. Unlike the

Christian community, which had experienced a major schism as a result of the Reformation, Judaism remained a religious monopoly in the hands of rabbis, which made reform difficult if not impossible. Although Kant and his disciples appreciated Moses Mendelssohn's arguments against religious coercion, they were ultimately left unsatisfied with Mendelssohn's version of Judaism. The problem, they argued, was that Mendelssohn only superficially defended moral autonomy, since he maintained that there was only a single legitimate form of religious Judaism.

I look at a variety of concrete proposals for Jewish religious reform. Kant and Lazarus Bendavid articulated their visions of religious reform in the context of the French Revolution. They argued that religious reform was a prerequisite for Jewish civil rights. In taking this line of argument, they collapsed the formal distinction between ethics and politics, which had been an important factor in Kant's earlier works. Both proposals involved, in effect, a reduction of Judaism to Kantian moral religion. In a similar context, Johann Gottlieb Fichte concluded that the Jews were the enemies of Kantian modernity. He argued that the idea of a morally autonomous Jew was a contradiction in terms. The final thinker I look at is Saul Ascher. Unlike Kant and Bendavid, Ascher tried to reconcile Jewish tradition with Kantian ethics. He also accused Fichte of misunderstanding Kant's philosophical project.

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Introduction

The Holocaust has cast a long shadow over the German-Jewish past. For Jewish historians writing in the immediate aftermath of the Second World War, the recent catastrophe demanded a thorough reassessment of the historic Jewish experience throughout Europe, but especially in Germany. It could no longer be denied that the liberal Jewish project, which centred on emancipation and integration, had ultimately failed.¹ Historians of Germany were preoccupied with related dilemmas. Was National Socialism simply an aberration in Germany's historical development or was it the logical culmination? Early post-war scholarship on antisemitism was strongly influenced by the *Sonderweg* thesis, which claimed that Germany had taken a special trajectory to modernity.² The Holocaust became the dominant interpretative framework for understanding German-Jewish relations going as far back as the Reformation.³

In recent decades, teleological readings of German-Jewish history have fallen out of favour; historians have, for the most part, abandoned the search for an ideologically continuous German antisemitism. In particular, historians have rejected the approach of interpreting eighteenth- and nineteenth-century German intellectuals through the lens of 1933–45.⁴ Such accounts undermine the attempt to provide an historical explanation for the Holocaust, since they misrepresent the intentions of historical agents and oversimplify the processes of historical change. Recent scholarship on antisemitism warns against overestimating the continuities between antisemitism during the Nazi era, and earlier Judeophobia.⁵

¹ On this subject, see Shulamit Volkov, 'Reflections on German-Jewish Historiography: A Dead End or a New Beginning', *Leo Baeck Institute Yearbook*, 41 (1996), 309–20.

² The most provocative version of this thesis was formulated by Hans-Ulrich Wehler, *Das Deutsche Kaiserreich 1871–1918* (Göttingen: Vandenhoeck & Ruprecht, 1973)

³ See, for example, William M. McGovern, *From Luther to Hitler: The History of Fascist-Nazi Political Philosophy* (Boston: Houghton Mifflin, 1941); Heiko A. Oberman, *Wurzeln des Antisemitismus: Christenangst und Judenplage im Zeitalter von Humanismus und Reformation* (Berlin: Siedler, 1981).

⁴ For an example of such an approach, see Paul Lawrence Rose, *Revolutionary Antisemitism in Germany from Kant to Wagner* (Princeton: Princeton University Press, 1990).

⁵ Shulamit Volkov, 'Kontinuität und Diskontinuität im deutschen Antisemitismus', *Vierteljahrshäfte für Zeitgeschichte*, 33 (1985), 221–43.

Jewish historians have stressed the potential for teleological readings to devalue Jewish history, because they tend to present the history of the Jews as a history of victims-in-waiting. Michael André Bernstein explains:

What is strikingly absent, even in many of the most nuanced recent works on the Shoah, is a way to chronicle the annihilation of millions of European Jews while still acknowledging the legitimacy of their prewar cultural loyalties, customs, and assumptions. By finding premonitions of ultimate catastrophe at every turn, thereby reducing the long history of European Jewry to fundamentally little more than an unbroken trajectory toward an inevitable cataclysm, backshadowing makes risible any notion of the cultural legitimacy of that history.⁶

In response to these problems, historians have increasingly called for the Holocaust to be bracketed off from the study of Jewish history.⁷ One historian of the eighteenth century recently stated: ‘I propose to forget what I know about the history of the Jews after 1815, and I ask my readers to do the same, at least temporarily’.⁸ What has emerged in recent decades is a much wider research agenda than existed previously — an agenda guided by the understanding that German Jewry needs to be seen in its own terms. Historians have begun reconstructing the economic, social, religious, legal and intellectual history of German Jews. They have emphasised the contextual links between German and Jewish history, arguing that one cannot be separated from the other.⁹

This dissertation is indebted to such recent approaches to German-Jewish history. It investigates the links between changing attitudes towards Jews and Judaism, and the intellectual influences of the eighteenth-century German Enlightenment. The aim of this project is to re-contextualise the eighteenth-century debates and controversies about Jews, thereby offering new insights into the developments which accompanied and assisted the Jews’ entry into modernity. Unlike the older historiography, I am not interested in tracing the development of modern antisemitism. Instead of treating the Jews as victims-in-waiting

⁶ Michael André Bernstein, ‘Victims-in-Waiting: Backshadowing and the Representation of European Jewry’, *New Literary History*, 29 (1998), 625–51 (p. 627).

⁷ For a discussion of recent literature, see David Engel, *Historians of the Jews and the Holocaust* (Stanford: Stanford University Press, 2010), pp. 29–36.

⁸ Ronald Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715–1815* (Berkeley: University of California Press, 2003), p. 5.

⁹ Reinhard Rürup, ‘An Appraisal of German-Jewish Historiography: Introduction to Year Book XXXV’, *Leo Baeck Institute Yearbook*, 35 (1990), xv–xxiv (pp. xxi–iv).

(and, by implication, Germans as perpetrators-in-waiting), I highlight both the challenges and the opportunities for eighteenth-century German Jewry.

A few words about the scope of this study and methodology are in order. This study offers major reassessments of key figures, such as Christian Wilhelm von Dohm and Immanuel Kant, but also investigates a wide range of less familiar personalities, including several Jewish thinkers. To avoid teleology as much as possible, I have adopted the methodological approach advocated by the Cambridge School, often associated with Quentin Skinner. According to Skinner, the understanding of texts presupposes the grasp of what these texts ‘were intended to mean, and how this meaning was intended to be taken’.¹⁰ I attempt to recover the intentions of authors by situating texts in their relevant political, intellectual, and linguistic contexts.

My study draws on a wide range of primary sources, mainly derived from within the German-language intellectual community. However, as far as political and social context is concerned, it mainly concentrates on eighteenth-century Prussia. I have made Prussia the focus of my study because many discussions about Jews in Germany occurred within a specifically Prussian context. Since the history of Prussia has received significant scholarly attention, my research draws on the body of scholarship investigating the transformation of eighteenth-century Prussian society.¹¹

In the existing literature, the eighteenth century is often treated as a time of preparation for the dramas of the nineteenth century. It will be helpful to the reader if I briefly explain why. Although Jews of early modern Germany were affected by the same technological, economic, and political changes that historians regard as distinct to this era, they continued to live under the yoke of oppressive laws, not unlike those found in the Middle Ages.¹² Until recent decades, most historians treated the pre-emancipation period ‘as one of

¹⁰ Quentin Skinner, ‘Meaning and Understanding in the History of Ideas’, *History and Theory*, 8 (1969), 3–53 (p. 47).

¹¹ For example, Reinhold Dorwart, *The Prussian Welfare State before 1740* (Cambridge, MA: Harvard University Press, 1971); Mary Fulbrook, *Piety and Politics: Religion and the Rise of Absolutism in England, Württemberg and Prussia* (Cambridge: Cambridge University Press, 1983); Richard L. Gawthrop, *Pietism and the Making of Eighteenth-Century Prussia* (Cambridge: Cambridge University Press, 1993).

¹² Adam Shear, ‘Jews and Judaism in Early Modern Europe’, in *The Cambridge Guide to Jewish History, Religion, and Culture*, ed. by Judith R. Baskin and Kenneth Seeskin (Cambridge: Cambridge University Press, 2010), pp. 140–68 (p. 140).

medieval isolation'.¹³ Although this perspective has since been revised, processes of modernisation undeniably coexisted with formal limitations which hindered (and occasionally thwarted) the impact of these processes.¹⁴

Let us briefly consider the situation in Prussia. Like his father and grandfather, Frederick the Great (1712–86) recognised the economic benefits of a limited Jewish presence in some areas of Prussia, such as Breslau and Königsberg. On a personal level, however, Frederick despised the Jews, and feared that they would wreak economic havoc if their existence was not tightly regulated.¹⁵

The Revised General Code of 1750 remained valid until Prussian Jews were granted citizenship in 1812. It was similar to the regulations found in other European states. Jews were divided into six distinct classes. Only a tiny minority of exceptionally wealthy Jews were granted wide-ranging freedoms, such as the right to purchase houses and the right of permanent residence. Jews in the other five classes were subject to numerous legal restrictions, which were similar in character to those imposed upon Jews in the Middle Ages. They were obliged to pay special taxes, were barred from purchasing land, and were excluded from ordinary civil trades, such as craft guilds, agriculture, and most forms of commerce.

While these restrictions remained in place, Jews could not fully participate in the modernisation process sweeping through Prussian society. Take, for example, the issue of integration. Legal restrictions not only made life miserable for the Jews, they also prevented Jewish integration into the surrounding society. High taxes and economic restrictions left most Jews impoverished, living at subsistence minimum. The vast majority were unable to speak German, since they did not have access to secular education. In turn, these factors contributed to the hostile attitude of the Christian masses, who regarded the

¹³ Elisheva Carlebach, 'European Jewry in the Early Modern Period, 1492–1750' in *The Oxford Handbook of Jewish Studies*, ed. by Martin Goodman (Oxford: Oxford University Press, 2002), pp. 363–75 (p. 364).

¹⁴ Francesca Bregoli and Federica Francesconi, 'Tradition and transformation in eighteenth-century Europe: Jewish integration in comparative perspective', *Jewish History*, 24 (2010), 235–45 (p. 236).

¹⁵ For a recent discussion, see Tim Blanning, *Frederick the Great, King of Prussia* (New York: Random House, 2016), pp. 379–87.

Jews as an alien people. As Reinhard Rürup points out: ‘Jews and non-Jews lived in two worlds apart, with economic relations forming virtually the only link between them’.¹⁶

This situation dramatically changed when the Jews were granted citizenship in 1812. Rürup describes the 1812 Edict of Emancipation as a ‘remarkable law, which to this day must be valued as one of the great documents in the history of emancipation’.¹⁷ The early and middle part of the nineteenth century witnessed many of the profound changes which marked German Jewry’s entry into the era of modernity: changes not only in legal status, but also in demographics, socio-economic position, religious behaviour, family life, education, and much else. Historians often refer to this period in German-Jewish history (ca. 1780–1870) as the age of emancipation.¹⁸ The choice of name reflects the assumption that emancipation was the central pillar of Jewish modernity.

The proliferation of research on emancipation has been a key factor behind scholarly interest in the eighteenth century. Despite the growing body of high-quality scholarship, large areas of darkness remain. This is partly due to the overly narrow and teleological focus on emancipation. Historians tend to prioritise events which supposedly assisted (or threatened) the cause of Jewish emancipation, whilst disregarding topics which appear to hold little relevance in this regard. Furthermore, there has been a strong tendency to project undue meaning and significance onto developments which allegedly anticipated the emancipation period.

According to the standard account, the earliest tentative steps towards emancipation were made in the late seventeenth century: ‘The reestablishment of Jewish communities in western Europe in the seventeenth century marked the beginnings of the process of emancipation’.¹⁹ Important developments took place in the courts of European princes. In return for the services they provided their princely patrons, court Jews gained wealth and

¹⁶ Reinhard Rürup, ‘The Tortuous and Thorny Path to Legal Equality: “Jew laws” and the Emancipatory Legislation in Germany from the Late Eighteenth Century’, *Leo Baeck Institute Yearbook*, 31 (1986), 3–33 (p. 5).

¹⁷ *Ibid.*, p. 15.

¹⁸ David Sorkin, *The Transformation of German Jewry, 1780–1840* (Oxford: Oxford University Press, 1987), p. 13. For similar timelines, see Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870* (New York: Schocken, 1978); Reinhard Rürup, ‘Jewish Emancipation and Bourgeois Society’, *Leo Baeck Institute Yearbook*, 14 (1969), 67–91.

¹⁹ Robert Liberles, ‘From Toleration to Verbesserung: German and English Debates on the Jews in the Eighteenth Century’, *Central European History*, 22 (1989), 3–33 (p. 4).

power. They ‘achieved what might be called a proto-emancipation in recognition of outstanding economic performance’.²⁰

Then appears a gap in the story of emancipation in Germany. Between the late seventeenth and mid-eighteenth centuries, France and England witnessed fierce debates dealing with the question of readmission and toleration. No such discussions occurred in Germany. Prior to the mid-1770s, only ‘sporadic statements had appeared, but almost always in intellectual isolation — with no impact and no response’.²¹

According to the standard account, debates about Jews in Germany were initiated by Christian Wilhelm von Dohm’s famous plea for Jewish emancipation, *Über die bürgerliche Verbesserung der Juden* (1781). Inspired by the principle of *raison d’état*, Dohm argued that Jews would become useful members of the state if they were granted the full rights of citizens. Dohm’s proposals captured the attention of the German public. He succeeded in shifting the ground of debate about Jews from religion to politics. It was against the background of the ensuing controversies that governments across Europe started improving the legal position of the Jews.

There are several weaknesses in the standard account which this study attempts to rectify. First, there is a major gap in our knowledge about German perceptions of Jews around the turn of the eighteenth century. The reestablishment of Jewish communities in Germany, and the rising prominence of court Jews, does not automatically imply a step towards emancipation, since it tells us very little about the lived situation of Jews. Chapter 1 examines German responses to the experience of Jewish social mobility in the early modern period. It offers new insights into the relationship between mercantilism, *raison d’état*, and the readmission of Jews to Germany.

Second, the focus on a grand narrative of emancipation has resulted in the neglect of certain themes. In particular, too little attention has been paid to conceptualising mid-eighteenth-century discourses of toleration. Chapter 2 attempts to fill this gap in the literature. It investigates the influence of Christian Wolff’s utilitarian model of politics on

²⁰ Werner E. Mosse, ‘From “Schutzjuden” to “Deutsche Staatsbürger Jüdischen Glaubens”’: The Long and Bumpy Road of Jewish Emancipation in Germany’, in *Paths of Emancipation: Jews, States and Citizenship*, ed. by Pierre Birnbaum and Ira Katznelson (Princeton: Princeton University Press, 1995), pp. 59–93 (p. 64).

²¹ Liberles, ‘From Toleration to Verbesserung’, p. 5.

discussions about the toleration of Jews, featuring thinkers such as Siegmund Jakob Baumgarten and Johann Heinrich Gottlob Justi.

Third, historians have not adequately considered the historical context of Dohm's proposals regarding the Jews. The significance of Dohm's humanitarian arguments has not been understood in the existing literature. Chapter 3 attempts to restore Dohm's reputation as a humanitarian thinker. It also provides an extensive analysis of the oft-forgotten concept of *Menschenliebe*.

After challenging major assumptions upon which the narrative of emancipation is based, and offering an alternative account, I apply the same contextual approach to study late-eighteenth-century controversies about Jewish religious reform. Building on recent Haskalah scholarship, I investigate the conversation between Germans and Jews about Judaism's alleged incompatibility with modern values. Chapter 4 studies the far-reaching consequences of Moses Mendelssohn's dispute with Johann David Michaelis about the suitability of Jews for military service. Chapter 5 provides a reassessment of Immanuel Kant's critique of traditional Judaism, evaluating his influence on Jewish thinkers such as Lazarus Bendavid and Saul Ascher.

The underlying argument of this study is that the eighteenth century witnessed a remarkable, unprecedented transformation in perceptions of Jews and Judaism. Throughout this dissertation, I am broadly concerned with two main questions. First, what were the causes of this transformation? Second, what were the consequences for German Jewry? I believe that answering these questions will bring us a step closer to understanding the role that ideas — specifically the ideas of the Enlightenment — played in the making of Jewish modernity. Although I do not advance a specific claim about the role of ideas in historical change, I subscribe to the view that ideas not only reflect reality but help shape it; ideas set the terms in which human beings experience the possibility of influencing social change.

CHAPTER ONE

Continuity and Change

Prior to the Enlightenment, Jewish existence in Europe was primarily justified according to principles of Christian theology. In the Middle Ages, official papal policy concerning the Jews was inspired by Augustine's doctrine of Jewish witness.¹ The Jews were to be kept alive until the end of time, as unwilling witnesses to the truth of Christianity. Since their existence served as a reminder of human sinfulness, it was essential that their spiritual inferiority be made visible in society. Medieval canon law made discrimination against Jews legal and necessary.²

By the eighteenth century, the ideal of a universal Christian community had collapsed. Put in the most general terms, a 'Jewish Question' arose due to a lack of political and ideological consensus about the role which Jews should play in European society. A useful insight is provided by Michel Foucault, who humorously declared:

Today when a periodical asks its reader a question, it does so in order to collect opinions on some subject about which everyone has an opinion already; there is not much likelihood of learning anything new. In the eighteenth century, editors preferred to question the public on problems that did not yet have solutions.³

In the existing literature, the readmission of Jews to Germany in the late seventeenth century is often presented as a first stage in the process of emancipation. However, this picture remains incomplete as long as we remain in the dark about the immediate consequences of this development, including contemporary responses.

This chapter studies the origins of the eighteenth-century Jewish question in Prussia. I try to offer a new perspective on the conflict which emerged as a result of the growing

¹ On this subject, see Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999), pp. 23–66.

² John Gilchrist, 'The Perceptions of Jews in the Canon Law in the Period of the First Two Crusades', *Jewish History*, 3 (1988), 9–24.

³ Michel Foucault, 'What is Enlightenment?', in *The Foucault Reader*, ed. by Paul Rabinow, trans. by Catherine Porter (London: Penguin, 1984), pp. 32–50 (p. 43).

presence of Jews in Germany during the early modern period. I first challenge the prevailing assumption that the flowering of mercantilism was a positive development for the Jews. I show that seventeenth-century economic thinkers opposed Jewish social mobility. I then study the *Judenpolitik* of Frederick William, the Great Elector of Brandenburg (1620–1688). I argue that we need to examine the role Jews were assigned in the restructuring of the territorial state if we want to understand why they were allowed to return to German territories after a century of expulsions. Finally, I investigate the rise and fall of Joseph Süß Oppenheimer, court Jew in Württemberg (1698–1737). I make the case that, for the early eighteenth-century German public, Süß came to symbolise the illegitimacy of Jewish social mobility; Jews became closely associated with, and were blamed for, the collapse of the feudal order.

Europe's first great emancipation?

Historians investigating the causes for the readmission of Jews to Germany in the seventeenth century tend to stress the changes that swept through Europe during the early modern period. It is often said that Europe was in a state of general crisis.⁴ Protestant reformers challenged the religious and moral authority of the Catholic Church. There was a collapse in commerce and widespread demographic changes, which Europe's predominantly feudal economy was unable to adjust to.⁵ At the same time, the rise of the territorial state and the peasant revolts led to enormous domestic and international insecurity.⁶

The tensions of the early seventeenth century finally erupted during the Thirty Years' War. It is estimated that German territories experienced a population loss of 33% in urban

⁴ See, for example, Trevor Aston, ed., *Crisis in Europe 1560–1660: Essays from Past and Present* (London: Routledge, 1965). For more recent, critical treatments of this issue, see Philip Benedict and Myron P. Gutmann, eds., *Early Modern Europe: From Crisis to Stability* (Newark, NJ: University of Delaware Press, 2005).

⁵ For example, see Eric Hobsbawm, 'The General Crisis of the European Economy in the 17th Century', *Past and Present*, 5 (1954), 33–53.

⁶ On the rise of the territorial state, see Heinz Schilling, 'The Reformation and the Rise of the Early Modern State', in *Luther and the Modern State in Germany*, ed. by James D. Tracy (Kirksville, MO: Sixteenth Century Journal Publishers, 1986), pp. 21–30.

centres, and 40% in rural areas.⁷ It is often argued that the Thirty Years' War marked a turning point in the secularisation of European politics. Out of the ashes of the old order emerged the absolutist state.⁸ Inspired by the economic doctrine known as mercantilism, European princes implemented far-reaching political and economic reforms in their attempts to centralise political power in their own hands.

Historians argue that this development contributed to a major change in how Jews were perceived, setting them onto the path of emancipation. The collapse of the international credit system forced princes to employ wealthy court Jews to settle debts and organise loans. Eventually, princes permitted Jews to settle in their lands, after a century of expulsions, in the hope of reviving the domestic economy.⁹ According to Selma Stern, the 'complete change in the political and economic structure of the state led, not only to a new conception of the Jew, but also to a complete transformation of his political and economic position'.¹⁰ More recently, Jonathan Israel has argued:

Mercantilism, and the *raison d'État* politics of which it was part, triggered what might be termed Europe's first great emancipation, a process of release from the restrictions of the past, arising two whole centuries before the better known, but not necessarily more fundamental, emancipation which swept Europe in the nineteenth century, with the partial triumphs of liberalism. And just as the latter set in motion a crucial shift in Jewish history, finally releasing the Jews to enter the mainstream of European life unimpeded in any formal sense, so, at least as far as many of the more oppressive restrictions were concerned, did the former.¹¹

Certainly, we should not underestimate the significance of the changes which swept through Europe during the early modern period. Nonetheless, it is important to avoid teleological pitfalls. Like Jonathan Israel and Selma Stern, many historians assume that the emergence of the absolutist state helped establish a favourable environment for the Jews

⁷ Günther Franz, *Der Dreißigjährige Krieg und das deutsche Volk: Untersuchungen zur Bevölkerungs- und Agrargeschichte*, 4th edn (Stuttgart: Fischer, 1979), p. 59.

⁸ Reinhard Koselleck, *Kritik und Krise: Eine Studie zur Pathogenese der bürgerlichen Welt*, 2nd edn (Frankfurt a.M.: Suhrkamp, 1973), pp. 11–17.

⁹ For a survey of Jewish settlement and expulsion during this period in Germany, see Dean Phillip Bell, 'Jewish Settlement, Politics, and the Reformation', in *Jews, Judaism, and the Reformation in Sixteenth-Century Germany*, ed. by Dean Phillip Bell and Stephen G. Burnett (Leiden: Brill, 2006), pp. 421–50.

¹⁰ Selma Stern, *The Court Jew: A Contribution to the History of the Period of Absolutism in Central Europe*, trans. by Ralph Weiman (Philadelphia: Jewish Publication Society of America, 1950), p. 4.

¹¹ Jonathan I. Israel, *European Jewry in the Age of Mercantilism 1550–1750* (Oxford: Oxford University Press, 1985), p. 3.

— one which eventually allowed them to enter mainstream European society. Francis Carsten, for example, describes the court Jew culture as a ‘prelude to emancipation’.¹² In much the same vein, Jay R. Berkovitz argues that the ‘readmission of the Jews to the countries of Western Europe constituted the first step in the process that would culminate in the bestowal of citizenship’.¹³

Such a perspective is misleading for two reasons. First, as Salo Baron has highlighted, emancipation should be viewed both as a legal and as an extra-legal process.¹⁴ It is insufficient to evaluate the legal status of Jews without studying their lived situation, which includes their relationship to the surrounding Christian society.¹⁵ One of my aims in this chapter is to show that Jewish social mobility resulted in heightened hostility towards the Jews. Indirectly, a Jewish question arose in consequence of the growing presence of Jews in Germany at a time when medieval stereotypes about Jews remained widespread in society. In the words of Robert Chazan, these stereotypes projected the Jews as ‘malevolent toward their Christian neighbours, as bent on harming these neighbours, and as having the power to inflict serious damage on the Christian societies that hosted them’.¹⁶

Second, such a view greatly overestimates the privileges granted to Jews in the seventeenth century. The fifty Jewish families Frederick William invited to settle in Brandenburg-Prussia in 1671 had been expelled from Vienna less than a year earlier. When they did arrive, they were treated as alien outsiders instead of integrated members of the state. They were forced to pay yearly protection contributions (*Schutzgeld*) and were forbidden to erect synagogues.¹⁷ Reinhold Dorwart has observed that ‘the privileges and conditions granted in 1671 were in many respects similar to those of the privileges granted in the fourteenth century’.¹⁸

¹² Francis L. Carsten, ‘The Court Jews: A Prelude to Emancipation’, *Leo Baeck Institute Yearbook*, 3 (1958), 140–56.

¹³ Jay R. Berkovitz, *The Shaping of Jewish Identity in Nineteenth-century France* (Detroit: Wayne State University Press, 1989), p. 29.

¹⁴ Salo Baron, ‘Newer Approaches to Jewish Emancipation’, *Diogenes*, 8 (1960), 56–81.

¹⁵ Salo Baron’s contribution in this area has been discussed in David Sorkin, ‘Salo Baron on Emancipation’, *AJS Review*, 38 (2014), 423–30.

¹⁶ Robert Chazan, *From Anti-Judaism to Anti-Semitism: Ancient and Medieval Christian Constructions of Jewish History* (Cambridge: Cambridge University Press, 2016), p. x.

¹⁷ ‘Edikt wegen der aufgenommenen 50 Familien Schutz-Juden’, reprinted in Selma Stern, *Der preußische Staat und die Juden*, 8 vols in 4 parts (Tübingen: Mohr Siebeck, 1962–75), part 1 (1962), *Die Zeit des Großen Kurfürsten und Friedrichs I.*, vol. 2 *Akten* [hereafter cited as *Akten*], pp. 13–16.

¹⁸ Dorwart, *Prussian Welfare State*, p. 124.

Similarly, the court Jew culture should not be viewed through the lens of later developments. Although some court Jews succeeded in stepping out of the ghetto, their special privileges could be revoked at any time. As a result, they remained in a very vulnerable position.¹⁹ Elkan Fränkel of Ansbach (1657–1720) had his possessions confiscated and died in prison, after being accused of blasphemy.²⁰ Less than two decades later, Joseph Süss Oppenheimer of Württemberg was executed for the role he played in the restructuring of the Württemberg state, following the death of his patron, Duke Charles Alexander (1684–1737).

Mercantilism

It is usually argued that there is a causal link between the emergence of mercantilism and the changing attitudes of German princes towards Jews in the seventeenth century. Mercantilism has even been described as the ‘economic approach to the Jewish question’.²¹ Unfortunately, this interpretation lacks explanatory value, due to the absence of scholarly consensus about the meaning of ‘mercantilism’. According to David Penslar:

Like all abstract classificatory nouns, mercantilism lends itself to multiple, and conflicting, definitions. It can refer to all economic policies pursued in the spirit of *raison d'état* or to trade and tariff policies alone. Mercantilist sensibilities can be associated with emphases on commerce or on domestic manufacture and with the promotion of commerce in any form or with a specific policy of encouraging exports and discouraging imports to maximize the amount of specie in the realm.²²

‘Mercantilism’ is also commonly used to refer to the theoretical study of these practices by early modern thinkers. This has led to further confusion. When Berkovitz described mercantilism as the ‘foremost representative of the growing process of secularization in Europe’, it is not immediately clear whether he was referring to the theory

¹⁹ Katz, *Out of the Ghetto*, pp. 28–30.

²⁰ Siegfried Haenle, *Geschichte der Juden im ehemaligen Fürstenthum Ansbach* (Ansbach, 1867), p. 82.

²¹ Berkovitz, *Shaping of Jewish Identity*, p. 29.

²² David Penslar, *Shylock's Children: Economics and Jewish Identity in Modern Europe* (Berkeley: University of California Press, 2001), p. 25.

or to the practice of mercantilism.²³ All too often, it seems, historians collapse any distinction between the two.

Eli Heckscher's influential *Mercantilism* (1933) is partly responsible for this lack of clarity.²⁴ Heckscher first advanced the idea of a mercantilist conception of society.²⁵ According to Heckscher, mercantilist theoreticians had an essentially amoral, Machiavellian outlook with respect to state-building. They emphasised the importance of population growth and were therefore the staunchest advocates of religious toleration. Heckscher writes: 'Toleration was the unanimous demand of all theoretical and practical economic politicians under mercantilism. On no other question was there such complete unanimity'.²⁶ Later, he argued:

The contempt of the mercantilists for religion and ethics, their desire to subject individuals to the state, their belief in a somewhat mechanical social causation without a belief in a pre-established harmony, made them even more ruthless in their insistence upon setting aside all sorts of time honored customs and human needs.²⁷

If Heckscher's account were correct, then it would indeed seem that the mercantilists contributed to a new way of thinking about the Jews. The problem with Heckscher's interpretation is that it does not apply to the German mercantilists — also known as cameralists — of the late seventeenth century.

It is usually argued that cameralism was born in the decade after the Thirty Years' War.²⁸ In order to restructure their states, German princes established the *Kammer*, a chamber in which fiscal officials debated and voted on the important issues of the day.²⁹ The aim of cameralists, who derived their name from this chamber, was to influence policy-making. Their writings addressed an enormous range of issues which were considered

²³ Berkovitz, *Shaping of Jewish identity*, p. 29.

²⁴ Eli Heckscher, *Mercantilism*, 2nd edn, ed. by E. F. Söderlund, trans. by Mendel Shapiro, 2 vols (London: George Allen, 1955).

²⁵ Heckscher, *Mercantilism*, II, pp. 270–72.

²⁶ *Ibid.*, p. 303.

²⁷ Eli Heckscher, 'Mercantilism', in *Encyclopaedia of the Social Sciences*, ed. by Edwin Seligman and Alvin Johnson, 15 vols (New York: Macmillan, 1930–67), X (1933), pp. 333–39 (p. 339).

²⁸ Andre Wakefield, 'Cameralism: A German Alternative to Mercantilism', in *Mercantilism Reimagined: Political Economy in Early Modern Britain and Its Empire*, ed. by Philip J. Stern and Carl Wennerlind (Oxford: Oxford University Press, 2013), pp. 134–150 (p. 135).

²⁹ Andre Wakefield, *The Disordered Police State: German Cameralism as Science and Practice* (Chicago: Chicago University Press, 2009), p. 16.

relevant to state administration, from mining and agriculture, to tax and trade. This is one important way in which German cameralists can be distinguished from the mercantilists of the English and French variety.³⁰ Albion Small pointed out that the cameralists were not economic theorists in the modern sense of the term, but rather practical men who were concerned with the general science of administration.³¹

German cameralists were especially troubled by the issue of population growth. This is not surprising, considering the destructive effects of the Thirty Years' War. They viewed large populations as crucial to the development of a powerful state. If a territory had a large population, it benefited from increased commerce and manufacturing. This would then lead to greater revenues for the ruler. However, as Justus Nipperdey has recently shown, early German cameralists rarely advocated immigration policies. Instead, they recommended that rulers should organise the economy in a way which would benefit the existing population, which would consequently increase on its own.³² It is therefore questionable whether cameralist authors directly inspired the immigration policies (*Peuplierungspolitik*) of German princes, as is often assumed.³³

How did Jews feature in the thought of seventeenth-century cameralist authors? This is a question which has not been explored in the existing literature. German economic thinkers were critical of the presence of Jews in Germany. To illustrate this point, I shall briefly discuss the thought of Ludwig Veit von Seckendorff (1626–1692) and Johann Joachim Becher (1635–1682), the most famous and influential of the seventeenth-century German cameralists.

³⁰ On the problem of treating cameralism as a variation of mercantilism, see Keith Tribe, *Strategies of Economic Order: German Economic Discourse, 1750–1950* (Cambridge: Cambridge University Press, 1995), pp. 11–12.

³¹ Albion Small, *The Cameralists: The Pioneers of German Social Polity* (New York: Burt Franklin, 1909), p. 20.

³² Justus Nipperdey, *Die Erfindung der Bevölkerungspolitik: Staat, politische Theorie und Population in der Frühen Neuzeit* (Göttingen: Vandenhoeck & Ruprecht, 2012), p. 299.

³³ For example, see Stefi Jersch-Wenzel, *Juden und "Franzosen" in der Wirtschaft des Raumes Berlin-Brandenburg* (Berlin: Colloquium, 1978), pp. 40–42.

Ludwig Veit von Seckendorff

Seckendorff's major contribution to political economy consists of two texts he wrote nearly thirty years apart: *Teutscher Fürsten-Staat* (1656) and *Christen-Stat* (1685). *Fürsten-Staat*, in particular, was highly influential, and later became a standard textbook at German universities.³⁴ In Ranke's assessment, it was the most important guide to German politics during the lifetime of the Great Elector.³⁵ It is therefore significant that Seckendorff's approach does not fit into Heckscher's general description of mercantilism. Although he was a pioneer of German economic thought, Seckendorff was also a theorist of *Politica Christiana*, a Lutheran intellectual tradition which emphasised the divine purpose of the state.³⁶

In the preface to *Fürsten-Staat*, Seckendorff explains that it was neither his intention to write a guide to good governance, nor a general survey of the constitutional politics of the Reich. Instead, he wanted to produce a comprehensive analysis of the territorial state as a system, containing a detailed treatment of its administration, function and internal mechanisms, and supported by a wealth of data on history, population, law and economic conditions.³⁷ His aim was to go beyond the *Staatsklugheitslehre* of the early seventeenth century, and also the *Hausväterliteratur*, which contained practical information for heads of households.³⁸

Let us recall Heckscher's claim that mercantilist theoreticians had an essentially amoral, Machiavellian outlook with respect to state-building. In contrast, Seckendorff firmly distinguishes his project from Machiavelli's doctrine of *raison d'état*, which is repeatedly criticised throughout the text:

Gleichwohl will ich mit solchem Wort Staat dasjenige keines weges gemeynet haben, was darunter heute zu Tage öffters begriffen, und fast keine Untreu, Schand-

³⁴ Wilhelm Kähler, 'Die Einleitung des staatswissenschaftlichen Unterrichts an der Universität Halle', in *Festgabe für Johannes Conrad*, ed. by Hermann Paasche, *Sammlung nationalökonomischer und statistischer Abhandlungen*, vol. 20 (Jena: Gustav Fischer, 1898), pp. 113–82 (p. 131).

³⁵ Leopold von Ranke, *Neun Bücher Preußischer Geschichte*, 3 vols, (Berlin, 1847–48), I (1848), p. 57.

³⁶ Martin van Gelderen, 'The State and its Rivals in Early Modern Europe', in *States and Citizens: History, Theory, Prospects*, ed. by Quentin Skinner and Bo Strath (Cambridge: Cambridge University Press, 2003), pp. 79–96 (p. 83).

³⁷ Veit Ludwig von Seckendorff, *Teutscher Fürsten-Staat*, 5th edn (Frankfurt a.M., 1678), 'Vorrede'.

³⁸ Joachim Whaley, *Germany and the Holy Roman Empire, Volume II: The Peace of Westphalia to the Dissolution of the Reich, 1648–1806* (Oxford: Oxford University Press, 2012), p. 194.

That und Leichtfertigkeit zu nennen seyn wird, die nicht an etlichen verkehrten Orten mit dem Staat, *ratione statûs*, oder Staats-Sachen, entschuldiget werden will.³⁹

Seckendorff's prince is obliged to serve the temporal as well as spiritual interests of his subjects. He explains: 'Der letzte Zweck zwar aller menschlichen Handlungen und Thaten soll seyn die Ehre Gottes'.⁴⁰ Although Seckendorff stresses the benefits of a large and growing population, he refuses to support the toleration of religious groups other than Catholics, Lutherans and Calvinists, in line with the conditions set out in the Treaty of Westphalia. He explicitly states that his conception of a princely state only allows for the presence of religions which are in accordance with the word of God.⁴¹ Anyone deemed to be a heretic or a magician (*Zauberer*) can be banished from the land.⁴² To encourage population growth, rulers need to look after the general welfare of their subjects: the administration must provide housing for orphans, maintain hospitals; and take measures to keep the towns clean.⁴³

Seckendorff barely discusses the Jews in *Fürsten-Staat*. He points out that some states tolerate Jews because of an age-old tradition. In a 1236 ruling, the Emperor Frederick II (1194–1250) defined the Jews as *servi camerae*, i.e. serfs of the royal chamber. In theory, Jews were placed under royal and imperial jurisdiction. In practice, Christian princes treated the Jews as they saw fit. Seckendorff recommends that states tolerating Jews should take records of their population and residence.⁴⁴ Furthermore, the Jews' economic activity must be regulated to prevent peddling (*Handthierung*) and usury. Seckendorff's concern for elaborate regulation was shared by his contemporaries in the cameralist tradition.

In *Christen-Stat*, Seckendorff discusses the Jews more extensively. The Jews can be tolerated, he argues, but not for the purpose of stimulating population growth.⁴⁵ As he indicates in the preface, Seckendorff wrote *Christen-Stat* because he feared that atheism was spreading through Germany.⁴⁶ As Seckendorff sees it, like atheists, Jews deny the

³⁹ Seckendorff, *Fürsten-Staat*, 'Vorrede'.

⁴⁰ *Ibid.*, p. 57.

⁴¹ *Ibid.*, p. 267.

⁴² *Ibid.*, p. 272.

⁴³ George Rosen, 'Cameralism and the Concept of Medical Police', *Bulletin of the History of Medicine*, 27 (1953), 21–42 (pp. 26–27).

⁴⁴ Seckendorff, *Fürsten-Staat*, p. 49.

⁴⁵ Veit Ludwig von Seckendorff, *Christen-Stat* (Leipzig, 1693).

⁴⁶ *Ibid.*, 'Vorrede'.

Word of God as revealed in the New Testament. Thus, like atheists, they are unable to live a moral life in accordance with God's will and the needs of a Christian society.⁴⁷ However, it is precisely because atheism must be combated and eliminated from Christian society that Seckendorff reluctantly assigns Jews a meaningful role in his political vision. He draws upon the argument for Christian toleration *vis-à-vis* Jews formulated in the fifth century by Augustine (354–430). According to Augustine, the Jews are reluctant witnesses to the historical truth of Christianity. In the words of Seckendorff:

Ein unwiderlegliches Zeugniß von Erfüllung der Weissagungen in heiliger Schrift gibt das jüdische Volck selbst täglich der ganzen Welt, und sonderlich der Christenheit, mit seinem nun über sechzehnen hundert Jahr continuirten elenden Zustand. Da es allerdings, wie ihnen in dem alten Testament oft und viel angedrohet und geweissaget worden, durch alle Länder unter Christen, Türcken und Heyden zerstreuet, in grosser Verachtung umher schweiffet, und nirgends keine Gewalt, Regiment, oder eine solche Übung ihres Gottesdienstes hat, der ihnen in ihrem Gesetz so mühesamlich vorgeschrieben, ob es ihnen gleich etlicher Orten an grossen Geld-Mitteln nicht mangelt, womit sonst viel in der Welt auszurichten. Es steckt auch, und zwar je länger je tieffer in der Verstockung, welche ihm gleicher Gestalt propheceyet worden, und wartet vergeblich auf eine zeitliche Erlösung und Glückseligkeit. [...] Wären keine Jüden mehr in der Welt anzutreffen, so möchten die Spötter und Atheisten wohl so unverschämt seyn, daß sie ganz und gar verläugneten, daß jemals Jüden gewesen, wie man andere alte Geschichten in Zweifel zu ziehen pfeget, weil sie mit unsern Sitten und Erfahrungen nicht mehr eintreffen; Aber die göttliche Providenz hat dieses Volck der Jüden, und zwar eben in solchem Stande, wie ihn die Propheten beschrieben, zu unwidersprechlicher Bekräftigung der heiligen Schrift übrig bleiben lassen.⁴⁸

By reviving Augustine's doctrine of Jewish witness, Seckendorff attempted to bridge the gap between the medieval and early modern periods. He was willing to tolerate the Jews because he viewed them to possess Christological significance, not because they had a role to play in the restructuring of European life. Further evidence for this conclusion can be derived from Seckendorff's *Ausführliche Historie des Lutherthums*, originally published as *Commentarius Historicus et apologeticus de Lutheranismo sive de Reformatione* (1692). In this work, Seckendorff explains that princes too often tolerate Jews in the hope of

⁴⁷ Ibid., pp. 68–69.

⁴⁸ Ibid., pp. 86–87.

financial gain. In doing so, they compromise their efforts to protect the Christian faith, by facilitating the Jews' practice of 'Gottlosigkeit und Unglauben'.⁴⁹

According to the German economist Wilhelm Roscher, Seckendorff was the foremost representative of the conservative economic tradition in the latter half of the seventeenth century.⁵⁰ Other thinkers in this tradition include Johann Balthasar Schupp and Ahasver Fritsch. Like Seckendorff, they opposed religious toleration as a solution to the population problem.⁵¹ For this group of thinkers, the medieval guidelines for treating the Jews remained valid.

Johann Joachim Becher

The text which guaranteed Johann Joachim Becher an important place in the history of cameralism is his *Politischer Discurs, von den eigentlichen Ursachen deß Auff- und Abnehmens der Städt, Länder und Republicken* (1668).⁵² The population question stands at the forefront of Becher's concerns. He argues that state power is mainly determined by population size. Therefore, population growth is extremely valuable, as long as the population can be adequately sustained.⁵³ In the first part of *Politischer Discurs*, Becher explains how adequate sustenance can be achieved. The thrust of his argument is that there must be the correct proportion of peasants, craftsmen and merchants operating within the economy, to ensure a balance between production and consumption.⁵⁴

In the second part of *Politischer Discurs*, Becher distinguishes between three forms of economy which endanger civil society because of the adverse effects they have on trade

⁴⁹ Veit Ludwig von Seckendorff, *Ausführliche Historie des Lutherthums und der heilsamen Reformation, welche der theure Martin Luther binnen dreyßig Jahren glücklich ausgeführet* (Leipzig, 1714), p. 2172.

⁵⁰ Wilhelm Roscher, *Geschichte der National-Oekonomik in Deutschland* (Munich, 1874), p. 238.

⁵¹ Nipperdey, *Bevölkerungspolitik*, pp. 276–82. See also Brigitte Herpich, 'Bürgerliche Hofkritik und bürgerliche Karriere. Mitteldeutsche Kleinstaaten im 17. Jahrhundert aus der Sicht des Kanzlers der Grafschaft Schwarzburg-Rudolstadt Ahasverus Fritsch', in *Politische Tugendlehre und Regierungskunst: Studien zum Fürstenspiegel der Frühen Neuzeit*, ed. by Hans-Otto Mühleisen and Theo Stamm (Tübingen: Niemeyer, 1990), pp. 197–228 (p. 221).

⁵² Johann Joachim Becher, *Politischer Discurs von den eigentlichen Ursachen des Auf- und Abnehmens der Städt, Länder und Republicken...* (Frankfurt a.M., 1668).

⁵³ *Ibid.*, p. 2.

⁵⁴ A short, succinct summary of Becher's argument is provided in Lars Magnusson, *The Political Economy of Mercantilism* (London: Routledge, 2015), pp. 86–89.

and population: the *Monopolium*, the *Polypolium* and the *Propolium*.⁵⁵ A *Monopolium* emerges when one member of the community possesses all the goods required by the entire community.⁵⁶ Becher uses *Polypolium* in reference to the dangers of free trade, which in his view results in too much competition. Finally, the *Propolium* is equated to pre-purchase: the attempt to forestall trade through intermediary channels, for example, by purchasing goods from farmers before these goods reach the market.⁵⁷

The Jews, Becher argues, due to their greed and extreme dislike of Christians, contribute to the emergence of two of these types of economy, which is why they cannot be tolerated:

Das erste Propolium, so dem Handel Schaden thut, verursachen die Juden. So ist gewiß, daß selbige Leut der Gemeind höchst schädlich seynd, und wo sie hinkommen, allen Handel mischen und verderben, dann sie sind Leut, die den Christen vor dem Mund wegnehmen, lieber mit Schaden kauffen und verkauffen, als die Christen etwas gewinnen lassen, liederlich, und ganz gering leben, keine rechte noch ehrlich Haußhaltung führen, und schier allen Handel an sich ziehen, und sich mit einmischen. Sie handeln mit Wein, Brandwein, Fleisch, Schmalz, Seiden, Leinen, Tücher und Bücher, ja was noch mehr ist, so haben sie nit allein das Propolium hierinnen, sondern auch etlicher Orten das Monopolium.⁵⁸

Becher condemns the ‘Juden-Patroni’ who defend the economic utility of Jewish pawnbrokers. He sarcastically declares:

Die Juden thun den benöthigten Christen viel gutes, indem sie ihnen auf Pfänder leihen und aus ihre Nöthe helfen, so wie der Teufel den Zauberern auch hilft, wan er sie aus der Gefängnuß bringt oder Geld gibt, nemlich daß er sie nur allzeit mehr auff seine Seiten bringe.⁵⁹

Such anti-Jewish remarks, which invoked theological imagery and language in order to emphasise the wickedness and depravity of Jews, were far from unusual in the seventeenth century. German economic thinkers often participated in, and reinforced, the rhetoric of economic antisemitism. Images of the Jew as economic parasite, usurer, cheat

⁵⁵ Becher, *Politischer Discurs*, p. 26–34.

⁵⁶ *Ibid.*, p. 26.

⁵⁷ *Ibid.*, p. 152.

⁵⁸ *Ibid.*, pp. 173–74.

⁵⁹ *Ibid.*, p. 174.

and oppressor are prevalent in many cameralist texts of the early modern period.⁶⁰ There was a widespread fear that Jews were trying to deceive rulers into believing that they contributed to the common good, despite their true intention being to undermine it. In addressing this issue, German writers frequently quoted the words of Johannes Müller's *Judaismus oder Judenthumb* (1644):

Die Spinnen pflegen die Fliegen mit ihren Weben zu fangen, beherbergen sie, umbspinnen sie, aber den armen Fliegen zum grossen Schaden: denn sie saugen sie auß, daß sie todt in solchen Weben hangen bleiben, und der Herberge nicht gebessert seyn. Solche Spinnen sind die Jüden. Sie geben zwar etwas Geld, lassen sich mercken, als ob sie dem gemeinen Nutz zum besten sich schicken, und also den Christen hiermit dienen, aber sie säugen die Christen aus mit ihrem Wucher. Die Jüden-Gelder, welche dem gemeinen Nutzen zukommen, sind rechte Spinnewebe, an welchen die Christen hangen bleiben.⁶¹

Undoubtedly, seventeenth-century German cameralists did not contribute to a new, positive conception of the Jew. We therefore need to be more careful about the way in which we employ the concept of mercantilism in connection with the admission of Jews to Germany. If we want to understand the role played by Jews in the restructuring of German society, we need to look more closely at the individual aims of German princes. With this objective in mind, I will now turn to the *Judenpolitik* of the Great Elector.

The *Judenpolitik* of the Great Elector

In May 1671 Frederick William of Prussia, also known as the 'Great Elector', invited fifty wealthy Jewish families, recently expelled from Vienna, to settle in Brandenburg-Prussia.⁶² These protected Jews (*Schutzjuden*) were free to trade and purchase property,

⁶⁰ For example, Nicolaus Hieronymus Gundling, *Einleitung zur wahren Staatsklugheit, aus desselben mündlichen Vortrag ehemals von aufmerksamen Zuhörern aufgezeichnet* (Leipzig, 1751), p. 226; Georg Engelhard von Löhney, *Hof- Staats- und Regierkunst*, 2nd edn (Frankfurt a.M., 1679), p. 287; Julius Bernard von Rohr, *Einleitung zur Staatsklugheit* (Leipzig, 1718), pp. 637–38.

⁶¹ Johannes Müller, *Judaismus oder Judenthum, das ist: ausführlicher Bericht von des jüdischen Volcks Unglauben, Blindheit und Verstockung*, 2nd edn (Hamburg, 1707), p. 1206. This passage is quoted in several early eighteenth-century texts. See, for example, Johann Christoph Wagenseil, *Hoffnung der Erlösung Israels oder klarer Beweis des annoch bevorstehenden / und / wie es scheint / allgemachherannahenden großen Juden-Bekehrung* (Nürnberg, 1707), p. 135. Johann Jakob Schudt, *Jüdische Merkwürdigkeiten*, 4 vols. (Frankfurt a.M., 1714–18), I (1714), p. 206.

⁶² 'Edikt wegen der aufgenommenen 50 Familien Schutz-Juden', in Stern, *Akten*, pp. 13–16.

were exempt from the body tax (*Leibzoll*), and were allowed to practise their religion in private. They could also employ a ritual slaughterer and schoolteacher. In return, they were obliged to pay annual protection contributions (*Schutzgeld*), alongside the other duties and excise taxes that applied to all subjects of Brandenburg-Prussia. The biggest restriction faced by Jews was that they were barred from erecting synagogues.

Selma Stern, the preeminent historian of the early modern German-Jewish experience, argued that Frederick William's *Judenpolitik* was inspired by a genuine sense of religious toleration and humanitarian idealism.⁶³ In arriving at this conclusion, she was influenced by an older generation of historians of Prussia, who, with an idealised view of Prussian history, interpreted Frederick William's decision to forgo his *ius reformandi*, and his offer to resettle persecuted French Huguenots, as having been motivated by his belief in the freedom of conscience.⁶⁴

Twentieth-century scholarship has discredited this theory.⁶⁵ Historians have concluded that the Great Elector's *Judenpolitik* was primarily motivated by economic concerns. The Thirty Years' War had devastated large parts of Brandenburg-Prussia, leaving it underpopulated and in economic decline. In Brandenburg alone, the war resulted in the destruction of 48 castles, 60 towns, and around 5000 villages.⁶⁶ In 1652, Frederick William ordered a survey of his lands, in order to establish how Prussia's population could be revived.⁶⁷ It is usually argued that the strategy he employed to reverse the fortunes of Brandenburg-Prussia was an immigration policy, which aimed to attract economically useful migrants.⁶⁸

Frederick William was not the first ruler to consider resettling Jews in order to revive the domestic economy. In 1651, an Amsterdam rabbi, Menasseh ben Israel, petitioned

⁶³ Stern, *Der preußische Staat*, part 1 (1962), vol. 2 *Darstellung* [hereafter cited as *Darstellung*], pp. 33–34.

⁶⁴ See, for example, Ludwig Keller, 'Der Große Kurfürst in seiner Stellung zu Religion und Kirche', *Hohenzollern Jahrbuch*, 7 (1903), 38–65.

⁶⁵ Jürgen Luh, 'Zur Konfessionspolitik der Kurfürsten von Brandenburg und Könige in Preußen, 1640–1740', in *Ablehnung – Duldung – Anerkennung: Toleranz in den Niederlanden und in Deutschland. Ein historischer und aktueller Vergleich* ed. by Horst Lademacher, Renate Loos, and Simon Groenveld (Münster: Waxmann, 2004), pp. 306–25.

⁶⁶ Eberhard Orthbandt, *Das deutsche Abenteuer* (Baden-Baden: Hermann Pfahl-Verlag, 1960), p. 606.

⁶⁷ Ludwig Hüttl, *Friedrich Wilhelm von Brandenburg, der Große Kurfürst: 1620–1688. Eine politische Biographie* (Munich: Süddeutscher Verlag, 1981), p. 159.

⁶⁸ Marion Schulte, *Über die bürgerlichen Verhältnisse der Juden in Preußen: Ziele und Motive* (Berlin: de Gruyter, 2014), p. 14.

Oliver Cromwell to allow Jews to resettle in England, which resulted in a heated debate over the economic utility of the Jews.⁶⁹ We know that Frederick William was interested in these developments from a letter he received from his advisor in London, Johann Friedrich Schlezer.⁷⁰

The biggest problem with this explanation is that it does not help us understand why the Great Elector's *Judenpolitik* faced such widespread resistance from his estates, the guilds, and even members of his privy council. This has led some commentators to assume that the Great Elector was 'genuinely philosemitic', despite his decision to forbid Jews to pray in public or erect synagogues.⁷¹ Although we have no reason to doubt that the Great Elector did, in fact, have economic concerns which guided his decision to allow Jews to settle, it is my contention that we need to study the political struggles he was engaged in domestically, in order to comprehend more fully the role Jews played in the restructuring of European life in the pre-emancipation period.

In the late nineteenth, and for much of the twentieth century, historians viewed Frederick William as the great modernising force in Prussian history, who singlehandedly, in an absolutist manner, crushed the political might of the last remaining representatives of the feudal order.⁷² In the feudal period, the estates were the dominant political actors, due to their control over general taxation. They took on the role of arbiter in political disputes, were in charge of clerical appointments, and had to be consulted if a prince wanted to go to war or enter into foreign alliances.⁷³

According to the traditional view, it was during the Thirty Years' War, when much of Brandenburg-Prussia was occupied by foreign armies, that the influence and economic power of the estates diminished and, in some cases, collapsed entirely. The Great Elector used this opportunity to do away with the paralysing dualism caused by the concessions

⁶⁹ On the settlement of Jews in England, see Todd M. Endelman, *The Jews of Britain, 1656 to 2000* (Berkeley: University of California Press, 2002), pp. 15–40.

⁷⁰ Schlezer to the Great Elector, 21 Dec. 1655, in *Urkunden und Actenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg* [hereafter cited as *UA*], 23 vols (Berlin, 1864–1930), VII (1877), pp. 730–31.

⁷¹ Lionel Kochan, *The Making of Western Jewry 1600–1819* (Basingstoke: Palgrave Macmillan, 2004), p. 101.

⁷² For example, see Otto Hintze, *Die Hohenzollern und ihr Werk: Fünfhundert Jahre vaterländischer Geschichte*, 5th edn (Berlin: Parey, 1915), pp. 202–11.

⁷³ Hans Rosenberg, *Bureaucracy, Aristocracy and Autocracy: The Prussian Experience, 1660–1815* (Cambridge, MA: Harvard University Press, 1966), p. 11.

extorted by the nobles and towns. In order to unite the scattered territories in his possession, he raised a standing army, which he was able to use to great effect during the Second Northern War (1655–1660). Once the war had ended, Frederick William consolidated his rule by appealing to what Hans Rosenberg called the ‘flimsy fiction of a permanent state of war’.⁷⁴ The standing army remained, fiscal powers were centralised, and the estates were stripped of their law-making powers and ancient privilege to vote public taxes.⁷⁵

Recent scholarship has challenged this interpretation.⁷⁶ Historians now contend that even the most powerful monarchs in Europe never achieved ‘absolute’ rule. According to Dietrich Gerhard, the German estates were intermediary forces, whose hold over local and regional politics remained to a large extent unchanged from the eleventh until the late eighteenth centuries.⁷⁷ This insight particularly applies to Brandenburg-Prussia, which, by the end of the seventeenth century, consisted of seven different territories scattered across the length of the continent. It was a politically and territorially fragmented composite state which, unlike some of its neighbours, lacked even the most basic homogenous political structures.⁷⁸ If Frederick William wanted to introduce a new policy, he had to communicate his intentions in writing to his privy council, which would then relay his wishes to the relevant local government, which was dominated by the provincial nobility.

The estates of Brandenburg-Prussia vigorously opposed any constitutional changes which might promote a centralisation of political power at the cost of provincial autonomy. As Peter-Michael Hahn put it:

Bei der Verteilung der Steuerlasten und der Organisation der ständischen Verwaltungsorgane zeigte sich allenthalben, daß der Brandenburgische Landesstaat sich aus einer Reihe historisch gewachsener Landschaften zusammensetzte, die voneinander abweichende ständische Traditionen entwickelt

⁷⁴ *Ibid.*, p. 36.

⁷⁵ Francis L. Carsten, ‘The Great Elector and the Foundation of the Hohenzollern Despotism’, *English Historical Review*, 65 (1950), 175–202 (pp. 200–02).

⁷⁶ For example, see the collection of essays in Peter Baumgart, ed., *Ständetum und Staatsbildung in Brandenburg-Preußen* (Berlin: de Gruyter, 1983).

⁷⁷ Dietrich Gerhard, ‘Regionalismus und Ständisches Wesen als ein Grundthema Europäischer Geschichte’, *Historische Zeitschrift*, 174 (1952), 307–37.

⁷⁸ On the subject of composite states, see Helmut G. Koenigsberger, ‘Dominium Regale or Dominium Politicum et Regale: Monarchies and Parliaments in Early Modern Europe,’ in Koenigsberger, *Politicians and Virtuosi: Essays in Early Modern History* (London: Hambledon Press, 1986), pp. 1–26.

hatten. An diesen hielt man fest, zugunsten einer Gesamtlandschaft nahmen die Stände keine Veränderungen vor.⁷⁹

The Great Elector's control over general taxation was also neither as absolute nor as efficient as traditionally thought. The Brandenburg Recess (*Landtagsrezess*) of 1653 guaranteed the estates the privilege of voting on public taxes in return for a 530,000 Reichsthaler contribution to Frederick William's war chest. Although the Northern War gave Frederick William an excuse to tax the urban population of the Brandenburg towns through the excise, which breached the agreement of 1653, the countryside remained exempt from this policy.

Moreover, the Great Elector's ability to tax the Brandenburg towns was hampered by practical difficulties. Brandenburg-Prussia had a two-tiered tax system: however much the estates directly contributed in taxes to the central administration, the indirect taxes were collected in the towns and villages by representatives of the estates, over whom Frederick William had little influence. One can only imagine that this system was open to widespread corruption. As Andreas Nachama argues:

Das Steuerbewilligungsrecht ist also kein Parameter zur Feststellung der ständischen Macht, solange der Landesherr nicht über die geeigneten Exekutivmittel verfügte, um an den Ständen vorbei die Steuern einzuziehen.⁸⁰

Additionally, the Great Elector was never able to impose his rule so forcefully upon the estates of some of his other territories. For example, although Prussia and Cleves-Mark were richer than Brandenburg, they paid less.⁸¹ The Great Elector was forced to borrow 587,000 Reichsthaler between 1674 and 1680, which reveals the precarious financial situation he found himself in.⁸²

To circumvent the authority of the estates, the Great Elector needed to create an independent tax base from which he could finance his political ambitions unimpeded. To invoke E. Ladewig Petersen's formulation, he had to make the transition from 'domain

⁷⁹ Peter-Michael Hahn, 'Landesstaat und Ständetum', in *Ständetum und Staatsbildung*, 41–79 (p. 53).

⁸⁰ Andreas Nachama, *Ersatzbürger und Staatsbildung: Zur Zerstörung des Bürgertums in Brandenburg-Preußen* (Frankfurt a.M.: Peter Lang, 1984), p. 43.

⁸¹ Derek McKay, *The Great Elector* (Harlow: Pearson, 2001), pp. 131–33.

⁸² Peter Wilson, 'Prussia as a Fiscal-Military State, 1640–1806', in *The Fiscal-Military State in Eighteenth-Century Europe: Essays in honour of P. G. M. Dickson*, ed. by Christopher Storrs (Farnham: Ashgate, 1988), pp. 95–125 (p. 113).

state' to 'tax state'.⁸³ Inviting Jews to settle in Brandenburg-Prussia was one of numerous measures he took in order to achieve this goal. According to the conditions of settlement in the Edict of 21 May 1671, each Jewish family was obliged to pay protection contributions (*Schutzgelder*) of 8 Reichsthaler, and a single golden Gulden each time a Jew married.⁸⁴ The numerous fines and one-off payments levied upon Jewish communities, one of which was 4000 Reichsthaler, were also collected by the central administration.⁸⁵

The Great Elector was also able to use this opportunity to reform the economy — another area over which his direct influence was limited. From the Middle Ages until the eighteenth century, the most important economic actors in Europe were the guilds.⁸⁶ One effect of the Thirty Years' War was a collapse in consumer demand. The guilds responded by attempting to suppress competition. Although territorial rulers were aware of the inefficiency of the guild system, which produced numerous barriers to manufacturing and industry, it proved extremely difficult to abolish, due to the ties the guilds maintained with the towns, and the inter-territorial reach of their networks.⁸⁷ Frederick William reluctantly confirmed guild privileges in 1653, whilst warning them that further corruption would not be tolerated.⁸⁸

Although eighteenth-century cameralist thinkers, especially Johann Heinrich Gottlob Justi, tirelessly attacked the guild system, seventeenth-century cameralist authors were more cautious in their criticism.⁸⁹ As I mentioned above, Becher emphasised the dangers of free trade. He argued against the abolition of the guilds.⁹⁰ By allowing Jews to trade freely in his lands, Frederick William succeeded in breaking the monopoly of the guilds, whilst not directly challenging their traditional role in society. Of course, this only happened because the guilds refused to associate with Jews, thus effectively turning them

⁸³ E. Ladewig Petersen, 'From Domain State to Tax State: Synthesis and Interpretation', *Scandinavian Economic History Review*, 23 (1975), 116–48.

⁸⁴ For a detailed break-down of the contributions paid into the personal finances of the Great Elector, see Stern, *Darstellung*, pp. 38–39.

⁸⁵ 'Reskript an die Geheimen Räte zu Kölln an der Spree, dat. 3 Oct. 1675', in Stern, *Akten*, p. 42.

⁸⁶ Max Weber, *Wirtschaftsgeschichte. Abriß der universalen Sozial- und Wirtschaftsgeschichte*, 2nd edn, ed. by S. Hellmann and M. Palyi (Munich: Duncker & Humblot, 1924), p. 127.

⁸⁷ Georg Adler, *Über die Epochen der deutschen Handwerkerpolitik* (Jena: Fischer, 1903), pp. 30–33.

⁸⁸ Gustav Schmoller, *Umriss und Untersuchungen zur Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte besonders des preußischen Staates im 17. und 18. Jahrhundert* (Leipzig, 1898), p. 348.

⁸⁹ On Justi's critique of the guilds, see Ulrich Adam, *The Political Economy of J. H. G. Justi* (Oxford: Peter Lang, 2006), pp. 201–02.

⁹⁰ Johann Joachim Becher, *Politischer Discurs*, pp. 263–64.

into direct competitors. In 1683, Frederick William wrote a letter to his privy council, in which he explained the measures he was taking to reduce the existence of harmful monopolies. Responding to a complaint that the Jews were responsible for erecting barriers to trade, he remarked: ‘Es wäre sonst bekannt, dass die Uebervortheilung im Handel nicht weniger von den Christen, als den Juden, ja fast mit mehrerer Impunität geschehe und fortgesetzt würde’.⁹¹

A number of reports Frederick William received from his administrative offices indicate that his policy was a success. For example, in 1671 the Halberstadt administration informed him of a reduction in the price of meat as a direct result of Jewish competition.⁹² We should also consider the complaints Frederick William received from the estates and guilds. In 1670 the Prussian estates complained that a Jew, Moses Jacobson, was trying to hurt the town’s trade.⁹³ Their report accuses him of trying to avoid his tax obligations. However, according to Selma Stern, Moses Jacobson paid 50,924 Reichsthaler into Frederick William’s customs office during the period 1670–97. In some years he paid more customs duty than all the other residents of Memel put together.⁹⁴

Frederick William’s *Judenpolitik* was motivated by his desire to diminish the influence of the existing structure of privilege, which he was unable to destroy completely. This conclusion supplements the findings of Andreas Nachama, who argued that the Prussian state, unlike the French, English and Dutch, developed through the exclusion of its native *Bürgertum*, in favour of a foreign *Ersatzbürgertum*: ‘Sie sind eine aus der Sicht des Landesherrn gänzlich disponible Gruppe — eine Gruppe, die sich auch gegen die Interessen der einheimischen Bevölkerung einsetzen lässt’.⁹⁵

As early as 1641, Frederick William was aware that the resettlement of Jews in Brandenburg-Prussia would be a highly contentious issue. When it was suggested to him that he could invite Jews to his lands in return for a payment of 20,000 Reichsthaler, he responded:

⁹¹ ‘Der Kurfürst an die Geh. Räte. dat. 2 April 1683’ in *UA*, X (1880), pp. 611–14 (p. 613).

⁹² Mordechai Breuer, ‘Frühe Neuzeit und Beginn der Moderne’, in *Deutsch-Jüdische Geschichte in der Neuzeit*, ed. by Michael A. Meyer, 4 vols (Munich: Beck, 1996–97), I (1996), pp. 85–250 (p. 128).

⁹³ ‘Bedenken der sämtlichen Stände auf die Proposition. dat. 1 Dec. 1670’ in *UA*, XVI, 2 (1899), pp. 650–74 (p. 659).

⁹⁴ Stern, *Darstellung*, p. 40.

⁹⁵ Nachama, *Ersatzbürger und Staatsbildung*, p. 6.

Anlangend die Reception der Jüden in Unser Churfürstenthum gegen Erlegung einer gewissen Summe Geldes, sehen wir nicht, wie sich dieselbige werde practiciren lassen können, in Betracht das Unsere Landstände sich darüber zu beschweren Ursach haben würden.⁹⁶

When the Great Elector did finally invite Jews to settle in his lands, he faced difficulties enforcing and regulating the policies he introduced. The estates and guilds constantly resisted his *Judenpolitik*, by means of official complaints (*gravamina*) and acts of civil disobedience. His own privy council, which was filled with members of the nobility, made clear in no uncertain terms that it opposed the readmission of Jews.⁹⁷ Ultimately, it was Frederick William's lack of direct control over the provincial administrations which limited his ability to protect the Jews when they were threatened by the estates, the guilds, or local mobs. In 1674, Moses Jacobson, whom I mentioned above, complained to the Great Elector that he was unable to endure the hostility of the townspeople of Memel.⁹⁸ Since his arrival, they had on various occasions illegally imprisoned him, fined him, and confiscated and destroyed his wares.

An even more illuminating example is the Halberstadt synagogue controversy. In 1656, the Great Elector received a complaint from the Halberstadt estates about the Jews using a public synagogue, which had been there since 1621. On this issue, he showed himself willing to compromise. He wrote to the local administration, ordering that the Jews should not be allowed to use the synagogue.⁹⁹ In March 1669, he received a letter from the Halberstadt Jewish community, who notified him that representatives of the local estates, accompanied by 50 musketeers, had destroyed the synagogue.¹⁰⁰ Uncertain how to respond, the city administration had allowed this to happen, finally sending guards to protect the Halberstadt Jews, who had been attacked by a local mob. This episode clearly demonstrates the fierce opposition the Great Elector faced in his attempts to enforce his *Judenpolitik* — and also the ways in which his political influence was limited. On 29 March 1669, he wrote angrily worded letters to the estates and the Halberstadt administration. He accused the estates of explicitly going against his wishes and ordered them to pay for the

⁹⁶ 'Resolution des Kurfürsten, Königsberg, dat. 30 July 1641', in *UA*, I (1864), p. 479.

⁹⁷ 'Bericht der Geheimen Räte, dat. 17 Aug. 1675' in Stern, *Akten*, pp. 41–42.

⁹⁸ 'Bittschrift von Moses Jacobson an den Kurfürsten, dat. 20 May 1674', in Stern, *Akten*, pp. 166–67.

⁹⁹ 'Reskript an die Halberstädter Regierung, dat. 6 April 1656', in Stern, *Akten*, pp. 94–95.

¹⁰⁰ 'Memorial der Halberstädter Juden, dat. 19 March 1669', in Stern, *Akten*, pp. 108–09.

synagogue to be rebuilt.¹⁰¹ In the letter to the local government, he voiced his disbelief about its inefficiency and incompetence:

Ob Wir wohl den Juden keine Synagoge zu Verrichtung ihres Gottesdienstes verstattet... so gebührt doch weder Unseren Ständen solche propria autoritate zu demoliren, vielweniger aber euch, als Unserer Regierung, welche Wir zu Maintenierung Unserer hohen landesfürstl. Autorität dahin gesetzt, solche eigenmächtig angemäße Demolition, woraus gar leicht mehrere Ungelegenheit entstehen können, zu verstatten oder darzu zu conniviren.¹⁰²

The implication is clear: Frederick William was a monarch who *sought* absolutist rule, but never achieved it entirely. In the absence of effective rule of law, and where the reach of absolutist power was limited by estates and bureaucracies, Jewish existence was constantly threatened by intermediary forces, who perceived the resettlement of Jews in Brandenburg-Prussia as a challenge to their own authority and traditional role in society. This is why we cannot judge the social situation or living standard of Jews in the early modern period solely by appealing to their legal status, which was in reality always subject to change, and often ignored.¹⁰³

In early modern Germany, in the decades around the turn of the eighteenth century, perceptions of Jews were shaped by a tense social and political climate. As David Nirenberg reminds us, anti-Judaism is not ‘simply an attitude toward Jews and their religion, but a way of critically engaging with the world’.¹⁰⁴ In other words, anti-Judaism is ideological. In this case, Jews were blamed for the gradual collapse of the feudal order. They were seen as competitors, whose settlement in Prussia challenged social and religious norms firmly set in place since the Middle Ages. The Great Elector had invited them into his lands for his own political purposes. Those political actors opposed to his centralising ambitions also opposed his decision to settle Jews.

We shall explore the issue of foreignness in the next chapter. What I simply want to note here is that there was a general hostility shown towards foreigners in the early modern

¹⁰¹ ‘Reskript an die Halberstädter Landstände, dat. 29 March 1669’, in Stern, *Akten*, p. 111.

¹⁰² ‘Reskript an die Halberstädter Regierung, dat. 29 March 1669’, in Stern, *Akten*, pp. 111–12.

¹⁰³ On the legal status of Jews in the medieval and early modern period, see Friedrich Battenberg, ‘Des Kaisers Kammerknechte. Gedanken zur rechtlich-sozialen Situation der Juden in Spätmittelalter und früher Neuzeit’, *Historische Zeitschrift*, 245 (1987), 545–99 (pp. 572–74).

¹⁰⁴ David Nirenberg, *Anti-Judaism: The Western Tradition* (New York: Norton, 2013), p. 3.

period.¹⁰⁵ Alas, the Jews were not just foreigners: they were the killers of Christ, daily mocking his name. They had been expelled from Brandenburg in 1571 after the unexpected death of Joachim II, who had supposedly been poisoned by his court Jew, Lippold.¹⁰⁶ Their readmission a century later was a psychological blow to the Brandenburg-Prussian population.

In the remaining section of this chapter, I shall examine the rise and fall of Joseph Süß Oppenheimer, court Jew for Duke Charles Alexander of Württemberg. This discussion will help us understand the role court Jews were assigned in the restructuring of the early modern state. It will also give us an opportunity to explore the extensive pamphlet literature which emerged in the years after Süß's death. This body of literature, which has only recently begun to attract scholarly interest, reveals the extent to which Jews in the early modern period became associated with, and blamed for, the centralising ambitions of European rulers.

Joseph Süß Oppenheimer

Joseph Süß Oppenheimer was born in Heidelberg in 1698.¹⁰⁷ We know very little about his early life, except that he supposedly spent four years visiting Jewish communities in Amsterdam, Vienna and Prague, where he gained employment at various Jewish commercial houses. By the time he made the acquaintance of Prince Charles Alexander in 1732, he had already established himself as a successful financier and merchant. Soon after their initial meeting, Süß was made Charles Alexander's war and court factor. In this capacity, he organised loans and made purchases on behalf of his patron.¹⁰⁸ On 31 October

¹⁰⁵ Karl Härter, 'Recht und Migration in der Frühneuzeitlichen Ständegesellschaft: Reglementierung — Diskriminierung — Verrechtlichung', in *Zuwanderungsland Deutschland: Migrationen, 1500–2005*, ed. by Rosmarie Beier-de Haan (Berlin: Deutsches Historisches Museum, 2005), pp. 50–71 (p. 51).

¹⁰⁶ Deborah Sadie Hertz, *How Jews Became Germans: The History of Conversion and Assimilation in Berlin* (New Haven: Yale University Press, 2007), pp. 17–18.

¹⁰⁷ The most important biography of Joseph Süß Oppenheimer is Selma Stern, *Jud Süß: Ein Beitrag zur Deutschen und zur Jüdischen Geschichte* (Berlin: Akademie-Verlag, 1929). Also useful is Heinrich Schnee, 'Der Geheime Finanzienrat Joseph Süß Oppenheimer, als württembergischer Hoffaktor', in *Die Hoffinanz und der moderne Staat: Geschichte und System der Hoffaktoren an deutschen Fürstenthöfen im Zeitalter des Absolutismus*, 6 vols (Berlin: Duncker & Humblot, 1953–67), IV (1963), pp. 109–47; Barbara Gerber, *Jud Süß: Aufstieg und Fall im frühen 18. Jahrhundert* (Hamburg: Hans Christian, 1990).

¹⁰⁸ Stern, *Jud Süß*, p. 28.

1733, the Duke of Württemberg, Eberhard Louis, unexpectedly died, leaving Charles Alexander with possession of the duchy.

Historians agree that Charles Alexander, more so than his predecessors, sought to transform Württemberg into a powerful centralised state with a standing army and international influence, using Prussia as a model for success.¹⁰⁹ Although his social and economic policies were not a complete break from the past, he was more forceful in his attempts to implement them.¹¹⁰ As a convert to Catholicism in a predominantly Lutheran territory, Charles Alexander was forced to relinquish his control over the economic and political jurisdiction of the Church. Nevertheless, he continued to pursue policies designed to raise the status of Catholicism in his lands, much to the anger of his estates.¹¹¹ Charles Alexander's attempts to create a permanent army and establish centralised rule were impeded by his constitutional commitments. The Tübinger Vertrag of 1514 guaranteed the estates of Württemberg significant political rights and privileges, most importantly the granting or withholding of taxes. In 1770, Charles James Fox famously said that Württemberg was the only state other than England which possessed a parliamentary constitution.¹¹²

We have already witnessed Frederick William's difficulties in circumventing the authority of the estates in his territories. His biggest problem was a lack of financial independence, which constrained his ability to make decisions without prior negotiation with the estates. The solution was a radical reform of the tax system. To establish a degree of financial independence was a goal shared by all German princes during the early modern period. Charles Alexander was no exception. He did not try to settle Jews to achieve this aim. However, he did introduce a number of highly controversial policies, which were designed to weaken the political and economic influence of the estates.¹¹³ A number of these policies were devised by Süß, who was made minister of finance in 1736. Why did Charles Alexander employ a court Jew to organise his financial operations? We can only

¹⁰⁹ Fulbrook, *Piety and Politics*, pp. 72–73.

¹¹⁰ Peter Wilson, *War, State and Society in Württemberg, 1677–1793* (Cambridge: Cambridge University Press, 1995), p. 164.

¹¹¹ Fulbrook, *Piety and Politics*, p. 72.

¹¹² Francis L. Carsten, *Princes and Parliaments in Germany from the Fifteenth to the Eighteenth Century* (Oxford: Clarendon Press, 1959), p. 5.

¹¹³ Wilson, *War, State and Society*, p. 181–82.

assume that the Duke benefited from having an outsider as his most trusted advisor — someone who had no loyalty to, and received no support from, the estates or the Church.

It did not take long for Charles Alexander's favourite to become the object of jealousy and envy in court.¹¹⁴ The policies Süß helped introduce were so unpopular that he soon became the target of a political campaign. Concerned that Süß might face reprisals for his administrative role, Charles Alexander issued him a letter of protection (*Schirmbrief*) on 12 February 1737, which absolved Süß from any responsibility for the policies he had helped devise and implement.¹¹⁵ Exactly two months later, however, Süß's fortunes took a sudden turn for the worse: Duke Charles Alexander unexpectedly died. His son, Charles Eugene, was a mere nine years old at the time. Süß was arrested by representatives of the estates the very same day. His protestations that he had only acted on behalf of Charles Alexander were ignored. Following a trial — which modern biographers have described as a show trial, where Süß was not only accused of corruption, but also the rape and seduction of Christian women — he was executed on 14 February 1738.¹¹⁶

How should we interpret Süß's rise and fall? Undoubtedly, Süß lived an exceptional life. Although it was not unusual for European princes to employ court Jews after the Thirty Years' War, Süß was the first Jew to be placed in a position of political authority. Letters exchanged between Süß and Charles Alexander indicate that they shared a warm relationship. Süß is sometimes addressed as 'Lieber Süß'¹¹⁷ and 'Besonders lieber Herr Resident!'¹¹⁸ On a number of occasions Charles Alexander attempted to secure Süß privileges Jews were ordinarily denied. In 1734, he insisted upon Süß being allowed to take up residence in an area of Frankfurt where Jews were forbidden to go.¹¹⁹ In 1735, he unsuccessfully appealed to the Emperor to grant Süß a title of nobility.¹²⁰ Süß's considerable fortune also offers valuable insights into his social situation. Following his

¹¹⁴ On this subject, see Peter Wilson, 'Der Favorit als Sündenbock. Joseph Süß Oppenheimer (1698–1738)', in *Der zweite Mann im Staat: Oberste Amtsträger und Favoriten im Umkreis der Reichsfürsten in der Frühen Neuzeit*, ed. by Michael Kaiser and Andreas Pečar (Berlin: Duncker & Humblot, 2003), pp. 155–77.

¹¹⁵ 'Reskript an das Geh. Raths-Collegium, dat. 12 Feb. 1737', in Stern, *Jud Süß*, pp. 281–82.

¹¹⁶ Stern, *Jud Süß*, p. 164–65.

¹¹⁷ 'Original Handschreiben des Herzogs Karl Alexander an Süß, dat. 17 Sept. 1734', in Stern, *Jud Süß*, p. 206.

¹¹⁸ 'Orig. Schreiben Karl Alexanders an Süß, dat. 18 March 1735', in Stern, *Jud Süß*, p. 212.

¹¹⁹ Schnee, 'Der Geheime Finanzienrat', pp. 120–24.

¹²⁰ 'Schreiben Karl Alexanders an den Kaiser wegen suchender Nobilitirung des Süß Oppenheimer, dat. 25 Oct. 1735', in Stern, *Jud Süß*, p. 222–23.

arrest, the Stuttgart authorities undertook a detailed inventory of his possessions. These included, among other things, three houses, 4256 engravings, an extensive library, and four coaches.¹²¹

In the eyes of Süß's contemporaries, Süß had risen to heights no Jew had achieved before him. Soon after his death, one observer wrote: 'Man wird sich nicht leicht eines Juden zu unsern Zeiten erinnern, der so viel Redens in der Welt verursacht hat'.¹²² Modern commentators also stress the exceptional nature of Süß's biography. Selma Stern described Süß as 'der erste emanzipierte Jude vor der Emanzipation'.¹²³ This opinion is representative of a scholarly tradition which views the court Jew culture as a sign of what was to come with the liberal reforms of 1812. Werner Mosse, for example, describes court Jews as having achieved a 'proto-emancipation'.¹²⁴

This judgement involves a misuse of hindsight. The manner of Süß's trial and execution illustrates the intensely vulnerable position Jews found themselves in during the early modern period. They were protected by individual rulers, rather than the rule of law. Süß's so-called 'emancipation' depended entirely on the goodwill and survival of Charles Alexander. This issue is addressed in one of the contemporary literary responses to the controversy:

Wer dergleichen Schutz- und Schirm suchet und auswürcket, der machet sich dadurch schon verdächtig, daß er kein gut Gewissen hat, sondern mit schweren Missethaten beladen ist. Man weiß auch gar wohl, daß sich schon die grösten Bößwichter, Spitzbuben, Schelme und Diebe, Verkäufer der Gerechtigkeit, und Verfolger der Unschuld, die man aber zur Zeit, da sie hoch am Brete gewesen, Ihre Excellenz, oder Gnädige Herren heissen müssen, mit dergleichen Schutz- und Schirm-Briefen versorget und versehen. Stirbet aber ein König oder Fürst, so kommet es auf den an, der nach ihm die Gewalt und Regierung in seinen Händen hat, ob er sich daran kehren will oder nicht.¹²⁵

¹²¹ Richard I. Cohen, 'Catalogue', in *From Court Jews to the Rothschilds: Art, Patronage, and Power: 1600–1800* ed. by Vivian B. Mann and Richard I. Cohen (Munich: Prestel, 1996), pp. 151–52.

¹²² *Leben und Tod, des Berüchtigten Juden / Joseph Süß Oppenheimers, aus Heidelberg* (Leipzig, 1738), p. 72.

¹²³ Stern *Jud Süß*, p. 139.

¹²⁴ Mosse, 'From "Schutzjuden" to "Deutsche Staatsbürger Jüdischen Glaubens"...', p. 64. On this topic, see Michael Schmidt, 'Interkulturalität, Akkulturation oder Protoemanzipation? Hofjuden und höfischer Habitus', in *Hofjuden — Ökonomie und Interkulturalität: Die jüdische Wirtschaftselite im 18. Jahrhundert*, ed. by Rotraud Ries and Johannes Friedrich Battenberg (Hamburg: Christians Verlag, 2002), pp. 40–58.

¹²⁵ *Merckwürdige Staats-Assemblée in dem Reiche derer Todten...Dem Duc de Ripperda, Dem Grafen von Hoymb, und dem Juden Süß-Oppenheimer* (Amsterdam, 1738), pp. 183–84.

The author's point is clear: although Charles Alexander had issued Süß with a letter of protection, this letter was valid only for so long as Charles Alexander lived to enforce it.

Once it had become known that Süß had been arrested, and especially after his execution, he became the subject of poems, books, pamphlets, prints, and even a play, all of which portrayed Süß in a profoundly negative light.¹²⁶ Susan Tegel describes Süß's sudden reversal of fortune as having prompted 'an eighteenth-century media event'.¹²⁷ For the remainder of the chapter, I shall look at contemporary responses to Süß's life and death.

Several of the commentaries about Süß are written in the *Totengespräch* medium, where the deceased Süß discusses a whole range of subjects with another living or deceased person. Most of the works, however, are presented as biographies telling the entire story of Süß's life. It is likely that these formats were chosen due to their popular and commercial appeal. Additionally, they enabled the authors to speculate freely about Süß's secret motivations and opinions. These sources should not be read as factually accurate representations of Süß's life. However, they offer us valuable insights into German attitudes towards Jews in the early eighteenth century. What emerges particularly strongly is the link between the collapse of feudal structures, and the growing anxiety about the role and presence of Jews in Christian society.

Süß's Jewishness is mentioned in almost all of the texts. Despite Süß's exceptional life, his contemporaries portray him as a paradigmatic Jew. In a *Totengespräch*, Süß proclaims: 'Ich thate alles was ein Jude thun kan und thun soll'.¹²⁸ However, it is not immediately clear how Süß's contemporaries perceive him to fit the Jewish stereotype. Frequently, we read that Süß had affairs with Christian women, ate pork, and refused to abide by Jewish ceremonial practices. He is described as an 'epicur'sche Sau' and a 'Jüd'scher Atheist'.¹²⁹ A former Rabbi, Christian David Bernard, wrote two lengthy pamphlets in which he showed that, even according to Jewish principles, Süß could never

¹²⁶ For a recent treatment of these works, see Yair Mintzker, *The Many Deaths of Jew Süß: The Notorious Trial and Execution of an Eighteenth-Century Court Jew* (Princeton: Princeton University Press, 2017).

¹²⁷ Susan Tegel, *Jew Süß: Life, Legend, Fiction, Film* (London: Continuum, 2011), p. 51.

¹²⁸ *Curieuse Nachrichten aus dem Reich der Beschnittenen*, 4 vols (Frankfurt a.M., 1738), III, p. 47.

¹²⁹ *Betrachtung, welche über den gewesenen Württembergischen Geheimden Rath, wie auch Cabinet-Minister und Financien-Director, nemlich, den Stadt- und Land-bekanntten Juden Süß-Oppenheimer genannt* ([n.p.], 1737), p. 1.

gain access to the afterlife.¹³⁰ We can conclude, therefore, that the issue of Süß's identity was not directly related to professed religious belief.

Süß's Jewishness is also not defined by his physical appearance or mannerisms. Only in one text is it implied that Süß could be recognised as a Jew from his physiognomy.¹³¹ Rather, the Süß commentators generally agree that he was well-mannered, well-dressed and had an air of sophistication:

Seine Bildung war nicht übel und eben nicht Jüdisch. Er hatte ein freyes und munteres Wesen. Sein Umgang mit Leuten, die er nicht unter seinem Joche hatte, war erträglich und nicht eckelhaft. Den verdrießlichen Accent, welcher den Juden bey ihrem Reden eigen ist, hatte er sich so wohl, wie die wunderbaren Jüdischen Stellungen und Geberden gänzlich abgewöhnet. Daher er bey denen, die ihn nicht kannten, für einen Christen paßirte.¹³²

Instead of viewing his pleasing manner and appearance as a redeeming feature of his character, Süß's biographers emphasise the danger of being misled by false impressions. Superficially, Jews might be able to assimilate into Christian society. They might be well-dressed and agreeable to talk to. They might even be able to host lavish balls and court Christian women. Nonetheless, a Jew cannot shed his Jewishness no matter how he looks or acts:

Ein Jude mag baronisiret, oder gar in den Grafen-Stand erhoben werden; so ist und bleibt er doch allemal ein Jude. Man respectiret billig das Kayserliche Diploma, und heisset ihn deswegen Herr Baron. In Ansehung seiner, ihm anklebenden, Jüdischen Eigenschafften aber ist es mit einem baronisirten Juden bewandt, wie mit jenem Fürsten der einstmals, von ganz geringen Stande, zu der fürstlichen Hoheit, durch einen grossen Monarchen erhoben worden. Sein Herze bliebe nemlich von allen Fürstlichen Qualitaeten und Tugenden leer, ob man ihn gleich ihro Durchl. nennen muste.¹³³

¹³⁰ Christoph David Bernard, *Ausführlicher Discurs mit einem seiner guten Freunde, von allem, was ihme in den drey letzten Tagen des unglücklichen Jud Süß Oppenheimers, vornemlich von seiner Beicht, Glaubens-Bekanntniß, und Ablaß, auch zukünftigen Sünden und andern merckwürdigen Vorfallenheiten bekannt worden* (Tübingen, 1738); Christoph David Bernard, *Der in den Lüfften schwebende neue Jüdische Heilige Joseph Suß Oppenheimer* (Tübingen, 1738).

¹³¹ *Merckwürdige Staats-Assemblée*, p. 148.

¹³² *Leben und Tod*, pp. 45–46.

¹³³ *Merckwürdige Staats-Assemblée*, p. 150.

In the Süß literature, Jewishness features as a relational category — a reference point for projections of the fears and anxieties of Christian society in an age of change and instability. Since Jews had always been identified as the historic enemies of Christian civilisation, it was easy to link Süß to the image of the villainous Jew. The essence of Jewishness came to be seen as the ambition to subvert Christian society.

Despite Süß's alleged atheism, his biographers frequently invoke the figure of Satan to illustrate his crimes. This is not surprising, since the Devil has always personified the principle of evil in man's collective unconscious. The author of *Curieuse Nachrichten* claims that Süß is in alliance with the Devil.¹³⁴ He warns Christians to regulate the activities of Jews to prevent Jewish domination: 'Es solte sonst bald ein ander Ansehen mit dem zerstreuten Israel bekommen'.¹³⁵ There are obvious parallels here to the way in which Jews were portrayed in the cameralist literature discussed above. Of course, claims of Jewish domination have been established in a diverse range of circumstances. Take, for example, Henry Ford's remarks in *The International Jew* (1920–22): 'It is not only desire to escape oppression that actuates the lower classes of Jews, but desire to take control — for the spirit of mastery pulses strong within them'.¹³⁶

Süß's actions and characteristics are all viewed through this lens of anxiety and prejudice. His biographers do not deny that Süß was intelligent and resourceful. Indeed, they claim that he would have probably become a great minister to the Emperor had he been born into a Christian family.¹³⁷ Since he was born a Jew, however, his vast intelligence served only to corrupt him further. The unnamed author of *Merckwürdige Staats-Assemblée* mockingly states that Süß deserved a doctorate in 'Jüdische Handeln und Schachern, Betrügen und Mauscheln, Kippen und Wippen'.¹³⁸

¹³⁴ *Curieuse Nachrichten*, II, p. 6. The biblical precedent for this view is found in the Gospel of John (8:44).

¹³⁵ *Ibid.*, p. 50.

¹³⁶ Henry Ford, *The International Jew: The World's Foremost Problem*, 4 vols (Dearborn, MI: Dearborn Publishing Company, 1920–22), I (1920), p. 29.

¹³⁷ *Curieuse Nachrichten*, I, p. 48.

¹³⁸ *Merckwürdige Staats-Assemblée*, p. 152.

The most vicious criticisms of Süß are reserved for his role in the Württemberg administration. In *Leben und Tod*, the estates of Württemberg are praised lavishly for their historic role in safeguarding religion and liberty: ‘Das Herzogthum Württemberg hat von alters her die schönsten Verordnungen so man wünschen kan’.¹³⁹ The writer accuses Charles Alexander’s government of subverting this harmony, under the influence of the ‘Süßischen Staats-Maximen’.¹⁴⁰ Similarly, *Curieuse Nachrichten* claims:

Die Ministers des Herzogs hatten nichts anders im Sinn, als einen totalen Umsturz der Religion und Freyheiten des Landes eine Leib-Eigenschaft einzuführen. Die Lands-verrätherische Consilarii hätten in dem Herzen ihres so theuren Fürsten, die Liebe gegen das Land mit Zugießung der verfluchtsten Calumnien ausgelöscht, er sehe seine Unterthanen nunmehr als Feinde an, die er mit äussersten Force coerciren und zu seinem Willen bringen müste. Süß mit seinen Helffers-Helffern gebe vor, die von dem Fürsten so heilig bestätigte Landes-Compacta, wäre eine demselben wieder rechtlich abgedrungene, und seinem fürstlichen Ansehen so höchst schimfflicht, als nachtheiligste Sache.¹⁴¹

Although many of the texts openly condemn the fiscal measures introduced by Charles Alexander’s government, they carefully avoid directly criticising the Duke, whom they describe as a loving father. Süß, however, is denounced as a modern-day Haman.¹⁴² In the Book of Esther, Haman was the chief advisor to the Persian king Ahasuerus who tried to persuade his patron to exterminate the Jewish population of Persia. Martin Luther provided the intellectual basis of this inversion by emphasising the parallels between Protestants and the Israelites of the Old Testament.¹⁴³

The Süß literature also blames the Duke’s Christian advisors for Württemberg’s misfortunes:

Es waren ja freylich von Nation Christen, aber solche deren sich ehrliche Leute ihres Geschlechts, als stinckender und um sich fressender Pest-Geschwür äussersten enthalten: es sey dann daß ich sie um deßwillen Juden nennen könne, weil sie weit weniger Liebe gegen ihr eigen Volck hatten als wir, übrigens an ihren

¹³⁹ *Leben und Tod*, p. 15.

¹⁴⁰ *Ibid.*, p. 44.

¹⁴¹ *Curieuse Nachrichten*, II, p. 9.

¹⁴² For example, *Gespräch zweyer unter dem Stuttgardter Galgen zusammen gekommener württembergischen Bauren...* (1738), p. 16.

¹⁴³ Vivian Mann, ‘Images of “Jud Süß” Oppenheimer, An Early Modern Jew’, in *Beyond the Yellow Badge: Anti-Judaism and Antisemitism in Medieval and Early Modern Visual Culture* (Leiden: Brill, 2007), pp. 257–276 (p. 265).

Gewissen so beschnitten waren, daß man durch das Loch eine Heerde Kühe hinaus treiben konte. Wie dann die Worte Treu und Glauben ihnen lauter hebräische Worte waren, die sie aber nicht sowohl, als Interesse, Profit, Gewinn und dergleichen verstunden.¹⁴⁴

According to Süß's critics, anyone can be denounced as a Jew if they are willing to subvert traditional norms and values in their obsessive quest for wealth and power. This supports my claim that Jewishness became strongly associated with the *raison d'état* politics of the early modern period.

Süß's commentators vehemently criticise the court Jew culture in Germany. They regard the court Jews' ability to attain wealth and influence as an improper, and dangerous, inversion of the traditional hierarchical relationship between Christian and Jew. In *Kurze und Deutliche Lebens-Beschreibung*, we are told:

So gefährlich und höchst schädlich diese betriegerische Nation dem gemeinen Wesen in dem Privat-Umgang sind, so viel gefährlicher und nachtheiliger haben sie sich je und allewege finden lassen, wann sie ein oder das andere hohe Haupt der Christenheit durch ihre Schlangenartige Schmeicheleyen so weit zu bringen vermögend gewesen, daß selbige einige Gnade gegen sie blicken lassen.¹⁴⁵

In *Curieuse Nachrichten*, the court Jew culture is depicted as a Jewish conspiracy. The author argues that Jews have always harboured a hatred of Christians. Sporadically, they have attempted to achieve political power. Their scheming always begins with the attempt to persuade princes that they should be tolerated: 'Es glückte etwelchen, sie fanden Partie, sie zogen andere nach sich, sie wurden eingelassen, geduldet, geheget'.¹⁴⁶ Only much later are their true intentions revealed.

Two words frequently associated with Süß's rapid rise to power are 'Fortuna' and 'Glück'. In this context, *Glück* does not have the positive connotations of modern usage. Instead of meaning luck or happiness (*Glücklichsein*), *Glück* was associated with blind chance that went against the will of God and destiny.¹⁴⁷ *Glück* is blind, not because it is

¹⁴⁴ *Curieuse Nachrichten*, II, pp. 83–84.

¹⁴⁵ *Kurze und Deutliche Lebens-Beschreibung, Der eingefleischten Teufels-Bruth / Juden Joseph Süß Oppenheimers / worinnen dessen Geburth, Erziehung, fast ungläubliches Glück und wohl verdienter Fall auf das deutlichste beschrieben wird* ([n.p.], 1739) p. 1.

¹⁴⁶ *Curieuse Nachrichten*, I, p. 66.

¹⁴⁷ On this subject, see Ulrike Tanzer, *Fortuna, Idylle, Augenblick: Aspekte des Glücks in der Literatur* (Würzburg: Königshausen & Neumann, 2011), pp. 25–29.

completely random — the author of *Curieuse Nachrichten* deems Oppenheimer to have crafted his own *Glück* through tricks and deception¹⁴⁸ — but rather because it is a fickle friend which cannot be relied upon. Frequently, Süß's biographers invoke the medieval metaphor of *Glück* as a wheel, which turns in a full circle: what *Glück* gives, it inevitably takes away again. The author of *Betrachtungen* mockingly asks: 'Groser Süß, charmanter Jude, ist dein Glücks-Rath umgedreht?'¹⁴⁹

By attributing Süß's attainment of wealth and influence to *Glück*, the Süß literature denies the legitimacy, and indeed the reality, of Jewish social mobility.¹⁵⁰ As Wilhelm Güde has shown, the medieval status of Jews as *servi camerae* was more or less defunct by the end of the sixteenth century.¹⁵¹ After the Reformation, the power to tolerate was firmly placed in the hands of territorial princes. The Süß literature denies the legitimacy of this post-Reformation development. The author of *Curieuse Nachrichten* describes the Jews as servants of the royal chamber.¹⁵² Christoph David Bernard, perhaps with Augustine's witness doctrine in mind, reminds the Jews: 'Eure gegenwärtige Gefangenschafft ist vielmehr eine Freiheit zu nennen'.¹⁵³

Süß's rise and fall is treated as a warning to all Jews. His execution is portrayed as the just punishment for his attempt to step out of the ghetto and enter the mainstream of European life: 'Denckt, die Gojim haben Schwerdter / Galg und Rad ist hier der Brauch / Dulden euch die Christen-Oerter / Straffen sie die Boßheit auch'.¹⁵⁴

Is the Süß literature representative of early modern attitudes towards Jews in Germany? As I have already shown, the idea of a Jewish conspiracy seems to have weighed heavily on the minds of Germans. The collapse of feudal structures and the declining authority of the Church provoked a wave of reaction in early modern Germany. The growing presence of Jews, especially court Jews, was widely regarded with fear and suspicion. There are striking parallels between the tone of the Süß literature and a short poem written after the death of Israel Aaron (1623–1673), court Jew for the Great Elector:

¹⁴⁸ *Curieuse Nachrichten*, I, p. 49.

¹⁴⁹ *Betrachtung*, p. 1.

¹⁵⁰ This theme is discussed in Gerber, *Jud Süß*, pp. 151–69.

¹⁵¹ Wilhelm Güde, *Die rechtliche Stellung der Juden in den Schriften deutscher Juristen des 16. und 17. Jahrhunderts* (Sigmaringen: Jan Thorbecke, 1981), pp. 42–44.

¹⁵² *Curieuse Nachrichten*, IV, p. 24.

¹⁵³ Bernard, *Der in der Lüfften schwebende*, p. 44.

¹⁵⁴ *Gespräch zweyer unter dem Stuttgardter Galgen*, p. 16.

Mein Leser, stehe still, hier unter diesem Steine / Vergrub man Israels und Aarons
dürre Beine. / Sein ganztes Leben war der Schalckheit Priesterthum, / Ein Jüde von
Gemüth, drumb strebt er nach dem Ruhm, / Daß er den Fürsten selbst mit Lügen
hatt betrogen / Und vielen an den Hoff die Ohren voll gelogen. Auf neue
Schatzung war der schlaue Dieb bedacht, / Wodurch die Cammer ihn und er sie
aufgebracht. / Die Bürger liebten ihn als Pestilentz und Schlangen / Und, wär der
Hurensohn schon längst aufgehngen, / So hörte man jetzund nicht diese
Teuffelslist / Das an den Jüden er ein Judas worden ist.¹⁵⁵

Undoubtedly, the Jud Süß controversy resonated with the German public of the early eighteenth century. Johann Heinrich Zedler's *Grosses vollständiges Universal-Lexicon* (1731–54) contains an eight-page entry on Süß.¹⁵⁶ Süß's story is also mentioned in popular literary works. Friedrich Schiller, for example, briefly referred to Süß in act 2, scene 3 of *Die Räuber* (1781), where Moor mentions a 'Finanzrath [...] der Ehrenstellen und Ämter an die Meistbietenden verkaufte'.¹⁵⁷

Süß was also discussed by Friedrich Traugott Hartmann, one of the prominent opponents of Jewish equality of rights. Hartmann warned that a time would come when Süß's fall from power was interpreted as the result of Christian hatred towards Jews: 'Der Jude Süß, werden sie sagen, war in Württemberg ein vortreflicher Minister'.¹⁵⁸ Hartmann recognised that Süß's dramatic story epitomised the antagonism between Jew and Gentile, and would therefore become a battleground for later cultural and ideological struggles.¹⁵⁹

¹⁵⁵ [Untitled] (1673), reprinted in Moritz Stern, 'Eine Schmähschrift auf den Berliner Hofjuden Israel Aron, 1673', *Zeitschrift für die Geschichte der Juden in Deutschland*, 1 (1929), 136–40 (p. 139).

¹⁵⁶ 'Süß Oppenheimer, Joseph' in Johann Heinrich Zedler, ed., *Grosses vollständiges Universal-Lexicon*, 68 vols (Halle, 1731–51), XLI (1749), pp. 157–65.

¹⁵⁷ Friedrich Schiller, *Die Räuber: Ein Schauspiel* (Frankfurt a.M.; Leipzig, 1781), p. 105. On this subject, see Rudolf Krauss, 'Spiegelungen des Karl Eugenschen Zeitalters in Schillers Jugenddramen', *Württembergische Vierteljahrshefte für Landesgeschichte*, 14 (1905), 107–29 (pp. 112–13).

¹⁵⁸ Friedrich Traugott Hartmann, *Untersuchung ob die bürgerliche Freiheit den Juden zu gestatten sei* (Berlin, 1783), p. 43.

¹⁵⁹ On this subject, see Christiane Schönfeld, 'Lion Feuchtwanger, Jud Süß and the Nazis', in *Aesthetics and Politics in Modern German Culture: Festschrift in Honour of Rhys W. Williams*, ed. by Brigid Haines (Bern: Peter Lang, 2010), 39–52.

Conclusion

This chapter has explored the tensions between Jews and non-Jews in the decades around the turn of the eighteenth century. After the Thirty Years' War, Jews began playing an increasingly important role in the restructuring of European society. In some states, such as Brandenburg-Prussia, Jewish communities were encouraged to settle after a century of expulsions. In others, such as Württemberg, court Jews began working as commercial and political agents. It would be a mistake, however, to assume that the changing attitude of German princes to Jews was representative of a more general trend in society. Seventeenth-century cameralists vehemently opposed the growing presence of Jews in Germany. I have shown that Jews were tolerated partly because of their status as outsiders whose presence would unsettle feudal structures of privilege. Around the turn of the eighteenth century, Jews became closely associated with the collapse of the feudal order, which reinforced deeply rooted fears surrounding Jewish malevolence. The Süss literature illustrates the extreme hostility Germans felt towards the prospect of Jewish social mobility in the early eighteenth century.

CHAPTER TWO

Toleration within the Limits of the Common Good

The eighteenth-century question of toleration for Jews was raised by John Toland in his pamphlet *Reasons for Naturalizing the Jews in Great Britain and Ireland, on the same foot with all other Nations* (1714).¹ Although his basic argument was one of economic pragmatism, he was also strongly influenced by John Locke's famous defence of toleration.² In his *Letter Concerning Toleration* (1689), Locke had concluded that 'neither Pagan, nor Mahumetan, nor Jew ought to be excluded from the civil rights of the commonwealth, because of his religion'.³ As Jacob Katz has noted, the liberal conceptions of Locke and Toland were isolated phenomena, and had little impact on subsequent developments: 'Historically they indicate a possibility rather than an expression of social reality'.⁴

A generation later the question of tolerance was raised again in England. In June 1753 the House of Parliament passed the Jewish Naturalisation Act. The Jew Bill, as it came to be known, aimed at enabling the naturalisation of a small number of wealthy Jews by Act of Parliament. Despite its limited application, it was met with public outcry. Dozens of pamphlets and newspaper reports were published dealing with the issue.⁵ In 1754 the bill was repealed because of widespread opposition.

¹ John Toland, *Reasons for Naturalizing the Jews in Great Britain and Ireland, on the Same Foot with all other Nations. Containing also a Defense of the Jews against all Vulgar Prejudices in all Countries* (London, 1714).

² Ian Leask, 'Only Natural: John Toland and the Jewish question', *Intellectual History Review*, 28 (2018), 515–28 (p. 517).

³ John Locke, *A Letter Concerning Toleration*, ed. by James Tully (Indianapolis: Hackett Publishing, 1983), p. 54.

⁴ Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870* (New York: Schocken, 1978), p. 40.

⁵ For a recent treatment of this literature, see Avinoam Yuval-Naeh, 'The 1753 Jewish Naturalization Bill and the Polemic over Credit', *Journal of British Studies*, 57 (2018), 467–92.

Debates about the toleration of Jews in England have attracted considerable scholarly interest.⁶ Less attention has been paid to eighteenth-century scholarly discussions about the toleration of Jews in Germany.⁷ Indeed, historians often assume that Germany did not witness a serious discussion about toleration in the eighteenth century. Before Dohm's pamphlet on emancipation 'sporadic statements had appeared, but almost always in intellectual isolation — with no impact and no response'.⁸ David Sorkin has recently highlighted the need for further scholarly engagement with this subject:

The scholarship on German Jewry in the eighteenth century has been so relentlessly teleological in its focus on the causes of emancipation, especially on apparently proximate causes such as Christian Wilhelm Dohm's 1781 tract, *On the Civic Amelioration of the Jews*, that we know precious little about the discourse of toleration and intolerance throughout the eighteenth century.⁹

This chapter attempts to address this gap in the literature. Broadly, I want to answer two questions. First, what was the impetus for the debate on toleration in Prussia? Second, how did the question of tolerance towards Jews become intertwined with a discussion about their political and legal rights?

I approach my answer to the first question by examining the model of toleration found in the thought of Christian Wolff. Although Wolff did not explicitly discuss this matter, he had an unrivalled, albeit indirect, influence on shaping the trajectory of eighteenth-century

⁶ For example, see Todd M. Endelman, *The Jews in Georgian England 1714–1830: Tradition and Change in a Liberal Society* (Ann Arbor: University of Michigan Press, 1999).

⁷ The general literature on toleration has some relevant information. See, for example, Alexander Altmann, 'Gewissensfreiheit und Toleranz: eine begriffsgeschichtliche Untersuchung' in Altmann, *Die Trostvolle Aufklärung: Studien zur Metaphysik und politischen Theorie Moses Mendelssohns* (Stuttgart-Bad Cannstatt: Friedrich Frommann, 1982), pp. 244–75. For a brief discussion about toleration towards Jews in the works of German natural law theorists (such as Justus Henning Böhmer and Vitus Pichler), see Matthias J. Fritsch, *Religiöse Toleranz im Zeitalter der Aufklärung: Naturrechtliche Begründung – konfessionelle Differenzen* (Hamburg: Felix Meiner, 2004), pp. 206–10, and 236–40. On Böhmer, see also Wilhelm Güde, *Die rechtliche Stellung der Juden in den Schriften deutscher Juristen des 16. und 17. Jahrhunderts* (Sigmaringen: Jan Thorbecke, 1981), p. 72. On the influence of early Pietist thinkers, see Peter Baumgart, 'Absoluter Staat und Judenemanzipation in Brandenburg-Preußen', *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands*, 13/14 (1965), 60–87; repr. in Baumgart, *Brandenburg-Preußen unter dem Ancien regime: Ausgewählte Abhandlungen*, ed. by Frank-Lothar Kroll (Berlin: Duncker & Humblot, 2009), pp. 461–86 (pp. 477–78).

⁸ Robert Liberles, 'From Toleration to Verbesserung: German and English Debates on the Jews in the Eighteenth Century', *Central European History*, 22 (1989), 3–33 (p. 5).

⁹ David Sorkin, 'The Jewish Question in Eighteenth-Century Germany', in *Discourses of Tolerance and Intolerance in the European Enlightenment*, ed. by Hans Erich Bödeker, Clorinda Donato, and Peter Hanns Reill (Toronto: University of Toronto Press, 2009), pp. 144–52 (p. 144).

debates about the toleration of Jews in Germany. By advancing the principle of utility as the sole criterion for judging political practices, Wolff set the terms in which later discussions about Jews took place. The principle of utility became the key criterion for evaluating the state's treatment of Jews, i.e. the rights Jews were granted and the restrictions they were placed under.

Wolff's influence becomes apparent when we look at some of the arguments set forth during the relatively little-known Selichot debate (1745). This debate marks a turning point in the history of German-Jewish relations by introducing political and utilitarian considerations into the debate on the toleration of Jews. My discussion mainly concentrates on the views presented by Johann David Michaelis and Siegmund Jakob Baumgarten. Although Michaelis defended toleration because of religious concerns, he was one of the earliest thinkers to accept the utilitarian rationale as a fact of eighteenth-century Prussian politics and society. Baumgarten was the first theorist to spell out the consequences of Wolff's political theory for the question of tolerance towards Jews.

In the second half of this chapter, I examine how Jews featured in the thought of eighteenth-century cameralist authors, especially J. H. G. Justi. Justi is particularly relevant to my discussion since he adopted Wolffian principles of natural law to build a system of policy. Like many cameralist authors, Justi believed that existing legal restrictions on Jews were an obstacle to the state's promotion of general happiness. It was due to the influence of the cameralists that the question of tolerance towards Jews became intertwined with a discussion about their political and legal rights.

Christian Wolff

Each of the thinkers I discuss in this chapter believed that the Jews could be tolerated *within the limits of the common good*. To put it differently: they believed that the question of Jewish settlement rights — the number of Jews who could live in Prussia, the rights they were given and the restrictions they were placed under — could only be answered through a utilitarian calculation of consequences. The Jews were regarded as alien outsiders, whose

interests could be represented at the level of the state only after their relationship to the native citizenry had been established.

It is my contention that this model of toleration can be traced back to Christian Wolff (1679–1754). Wolff was devoted to the task of establishing a universal practical philosophy based on natural law and scientific principles. In 1721, Wolff published his influential *Vernünfftige Gedanken von dem gesellschaftlichen Leben der Menschen und insonderheit dem Gemeinen Wesen* (also known as his ‘Deutsche Politik’).¹⁰ This work is often credited with inaugurating the German theory of the welfare state (*Wohlfahrtsstaat*).¹¹

According to Wolff, man’s ultimate goal is to achieve moral perfection (*Vollkommenheit*) and happiness. This Aristotelian principle is a basic command of natural law existing independently of God and revealed truth.¹² In *Deutsche Politik*, Wolff defines the commonwealth (*gemeine Wesen*) as the political society which emerges when households come together to maximise their welfare and security.¹³ The sole purpose of the state is to secure the ‘common good’ of society.

Wolff does not assign a theoretical limit to this pursuit. He explains that rulers must govern according to the maxim: ‘Tue, was die Wohlfahrt der Gesellschaft befördert; Unterlaß, was ihr hinderlich oder sonst nachtheilig ist’.¹⁴ In holding the state responsible for the welfare of every individual in society, Wolff envisions a far more expansive state than his immediate predecessor in the natural law tradition, Christian Thomasius, who saw the sole political function of the state as the preservation of domestic peace and external security.¹⁵

Wolff considers material and moral well-being to be the twin pillars of happiness.¹⁶ From the state’s primary duty to pursue general welfare stem a whole range of derivative

¹⁰ Christian Wolff, *Vernünfftige Gedanken von dem gesellschaftlichen Leben der Menschen und insonderheit dem Gemeinen Wesen* [hereafter cited as *Deutsche Politik*], ed. by Hasso Hoffmann (Munich: Beck, 2004).

¹¹ Gerd Habermann, *Der Wohlfahrtsstaat: Ende einer Illusion* (Munich: FinanzBuch, 2013), p. 26.

¹² Tim Hochstrasser, *Natural Law Theories in the Enlightenment* (Cambridge: Cambridge University Press, 2000), p. 158.

¹³ Wolff, *Deutsche Politik*, § 213.

¹⁴ *Ibid.*, § 11.

¹⁵ Ian Hunter, *The Secularisation of the Confessional State: The Political Thought of Christian Thomasius* (Cambridge: Cambridge University Press, 2007), p. 144.

¹⁶ For an extensive study of Wolff’s ideas about ‘Glück’ and ‘Vollkommenheit’, see Clemens Schwaiger, *Das Problem des Glücks im Denken Christian Wolffs: Eine quellen-, begriffs- und entwicklungsgeschichtliche Studie zu Schlüsselbegriffen seiner Ethik* (Stuttgart-Bad: Frommann 1995).

duties, such as the protection of true religious faith, the promotion of a strong economy, the expansion of education and health facilities, the effective prosecution of criminality, the maintenance of order, and the regulation of markets.

Wolff's emphasis on the practical administration of the state, and the paternalistic nature of his recommendations, have led many commentators to point out his affinities with the theory and practice of cameralism.¹⁷ Indeed, one could argue that Christian Wolff was the leading natural law theorist of what Marc Raeff famously described as the 'well-ordered police state'. According to Raeff, it was in the early eighteenth century that 'the traditional mandate of government (i.e. rulership) shifted from the passive duty of preserving justice to the active, dynamic task of fostering productive energies of society and providing the appropriate institutional framework for it'.¹⁸ As we shall see, it was this shift which was, in part, responsible for establishing the question of toleration towards Jews as a key public issue.

To understand Wolff's influence on eighteenth-century discussions about Jews, we need to be aware of a tension that exists at the heart of his political thought. This is the tension between individual and community. Most scholars agree that there are authoritarian elements in Wolff's thought.¹⁹ Although Wolffian individuals are born with innate rights in the state of nature, these rights are voluntarily given away when they enter political society.²⁰ For Wolff, as Knud Haakonssen explains, moral agency includes 'the right to relinquish our rights, provided, of course, that such an action is in our best interests in pursuing the overall good, our perfection'.²¹ Having entered political society, through a social contract, the individual is compelled to obey the commands of the sovereign, who is obliged to rule with the 'common good' of society in mind.²²

¹⁷ Douglas Moggach, 'Schiller, Scots and Germans: Freedom and Diversity in the Aesthetic Education of Man', *Inquiry*, 51 (2008), 16–36 (pp. 25–27).

¹⁸ Marc Raeff, 'The Well-Ordered Police State and the Development of Modernity in Seventeenth- and Eighteenth-Century Europe: An Attempt at a Comparative Approach', *American Historical Review*, 80 (1975), 1221–43 (p. 1226). See also Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia, 1600–1800* (New Haven: Yale University Press, 1983).

¹⁹ Frank Grunert, 'Absolutism(s): Necessary Ambivalences in the Political Theory of Christian Wolff', *Legal History Review*, 73 (2005), 141–152 (p. 150).

²⁰ Christian Wolff, *Grundsätze des Natur- und Völkerrechts* (Halle, 1754), § 77.

²¹ Knud Haakonssen, 'German Natural Law', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. by Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), pp. 251–290 (p. 272).

²² Wolff, *Deutsche Politik*, § 229.

For our purposes, the important point to note is that Wolff justifies the restriction of individual rights when a conflict arises between individual interest and the common interest:

Die gemeine Wohlfahrt ist das höchste oder letzte Gesetz in einer Gesellschaft. Deswegen wenn es geschehen sollte, daß die besondere Wohlfahrt eines einzigen, der in der Gesellschaft lebt, mit der gemeinen Wohlfahrt nicht bestehen könnte, und daher nötig wäre, eine Ausnahme zu machen, so müßte die gemeine Wohlfahrt der besonderen vorgezogen, die besondere aber der gemeinen nachgesetzt werden.²³

Wolff's defenders argue that his vision of a *Wohlfahrtsstaat* does not allow for a conflict between individual interest and the common interest because the good of the individual is an integral part of the common good. Thorsten Kingreen reminds us that Wolff was describing an ideal state 'der allein nach den Regeln der Vernunft und damit immer auch zum Wohl des Einzelnen regiert'.²⁴

This raises an interesting question which Wolff scholars have not considered: is the state responsible for the welfare of foreigners? In other words, are tolerated minorities protected by the terms of the original social contract? If they are not, then a conflict between the individual and the community, in cases where the individual is not a fully integrated member of the community, would seem to be unavoidable. In such a conflict, the welfare of the tolerated minority, for example, the Jews in eighteenth-century Prussia, could legitimately be sacrificed for the welfare of the majority.

Jeffrey Epstein has recently argued that the social contract tradition contains the notion that foreignness is a threat to the body politic. Epstein points out that the distinction between insider and outsider, native and foreigner, friend and enemy, is not simply a spatial but is also a conceptual distinction:

Through the unyielding conceptual distinction between inside and outside which structures sovereign economies of power, the unity of a people is achieved not only through the spatial ordering of territory (which excludes certain foreigners qua threatening outsiders) but also temporally through the psychosocial unity anchored

²³ *Ibid.*, § 11–12.

²⁴ Thorsten Kingreen, *Das Sozialstaatsprinzip im europäischen Verfassungsbund: Gemeinschaftsrechtliche Einflüsse auf das deutsche Recht der gesetzlichen Krankenversicherung* (Tübingen: Mohr Siebeck, 2003), pp. 41–42.

upon a common identity and shared commitment to the common good (which casts as foreign those insiders who are deemed by the sovereign to be a threat to the unity of the people, thereby justifying their exclusion).²⁵

The conceptual distinction between insider and outsider is also found in Wolff's political thought. Wolff asserts that the welfare of a foreigner can never be prioritised over the welfare of a fellow member of the commonwealth. Indeed, a foreigner should not even be helped if the well-being of a native member of society is threatened by such an action:

Wie ferner in einer jeden Gesellschaft das Mitglied einem Fremden vorgezogen wird, so muß auch im gemeinen Wesen solches geschehen, das ist, es ist niemand verbunden Fremden zu helfen, wenn dadurch die Wohlfahrt derer, die mit uns in einem gemeinen Wesen leben, nachgesetzt werden sollte.²⁶

The distinction between native and foreigner is made more complicated by Wolff's commitment to cameralist population doctrines. In accordance with cameralist principles, Wolff assumes that the state benefits from a large population, so long as this population can be adequately sustained.²⁷ Unlike earlier cameralists, such as Becher and Seckendorff, Wolff argues that the settlement of foreigners is the most efficient way of stimulating population growth. This attitude is characteristic of the eighteenth-century cameralist approach to the population question.

What could states do to entice immigrants? Wolff refrains from explicitly recommending a policy of religious toleration in *Deutsche Politik*, but as Matthias Fritsch has shown, it is a logical extension of his non-confessional rationalist-utilitarian thinking.²⁸ It has been estimated that from the late fifteenth to the middle of the eighteenth century about one million people left their home countries because of religious persecution.²⁹ For many eighteenth-century German thinkers, the seventeenth-century Dutch Republic served as a powerful example of the economic benefits of religious toleration.³⁰

²⁵ Jeffrey Epstein, *Democracy and its Others* (London: Bloomsbury, 2016), pp. 201–02.

²⁶ Wolff, *Deutsche Politik*, § 219.

²⁷ *Ibid.*, § 274.

²⁸ On Wolff's ideas about toleration, see Matthias J. Fritsch, *Religiöse Toleranz*, pp. 66–82.

²⁹ Heinz Schilling, *Early Modern European Civilization and its Political and Cultural Dynamism* (Hanover, NH: University Press of New England, 2008), p. 38.

³⁰ Thijs Lambrecht, “‘Nine Protestants Are to Be Esteemed Worth Ten Catholics.’” Representing Religion, Labour and Economic Performance in Pre-Industrial Europe’, in *Religion and Religious Institutions in the European Economy: 1000–1800*, ed. by Francesco Ammannati (Florence: Firenze University Press, 2012), pp. 431–51 (p. 432).

However, if a policy of religious toleration can be justified on utilitarian grounds — to attract immigrants — then so too can it be curtailed or limited when the disadvantages of such a policy seem outweigh the benefits. Whether the government is responsible for the welfare of tolerated minorities seems to depend upon whether tolerated minorities are treated as naturalised members of society. If instead they are classified as foreigners or alien residents, then, following Wolffian principles, it would be possible to justify intolerance towards them if such intolerant behaviour would contribute to the common good of society. If the ‘common good’ is defined as the total sum of the good of individuals, one might say that foreigners can contribute to the common good (for example by paying taxes) but they are not included in the calculation of the common good, because the ‘common good’ is a concept which implicitly contains a conceptual distinction between insider and outsider.

The central contention of this chapter is that Prussian Jews were viewed as foreigners, whose limited presence in Prussian lands was considered economically beneficial when correctly managed. The Jews paid high taxes and contributed to an increase in trade and manufacturing. However, it was precisely due to their status as foreigners that eighteenth-century thinkers believed that their existence needed to be regulated. Indeed, one could plausibly argue that the Jews featured as archetypal foreigners in the imagination of the German public. Consider, for example, the encyclopaedia entry on ‘foreigners’ in Zedler’s *Universal Lexicon*: ‘*Fremdling*, ist ein solcher der ausserhalb seinem Vaterlande sich aufhält, wie die Kinder Israel in Egypten 400. Jahr Fremdlinge seyn mussten’.³¹

The Selichot Debate

In the previous chapter, I mentioned the Augustinian justification of tolerance of the Jews as witnesses to Christian truth. Although some seventeenth- and early eighteenth-century German thinkers advocated tolerance towards Jews, they did so for purely

³¹ ‘Fremdling’ in Johann Heinrich Zedler, ed., *Grosses vollständiges Universal-Lexicon*, 68 vols (Halle, 1731–51), IX (1735), p. 1812.

theological reasons. In other words, their attitude towards Jews and Judaism was formed within the framework of their own sense of religious identity.

This insight particularly applies to the Pietists. German Pietism emerged as a Lutheran reform movement in the late seventeenth century. It emphasised the religious renewal of church and society, and elevated personal religious experience over dogma. As several historians have observed, the Pietists displayed a warmer and more tolerant attitude towards the Jews than other Christian groups.³² However, this is mainly due to theological considerations; few Pietists acknowledged any inherent value in Jewish tradition. Their attitude was shaped by eschatological expectations. They believed that the conversion of the Jews was a necessary step in the advancement towards messianic times. According to Lucinda Martin:

Pietists believed that Jews would convert en masse before the Second Coming of Christ. Those who wanted to hasten Christ's return thus promoted Jewish conversion to Christianity. Pietists sought contact to their Jewish neighbors and urged regents to improve conditions for Jews. In their writings, Pietists maintained that good Christians should behave kindly towards Jews, and they portray Jews as learned and good people — unusually positive images for the period. At the same time, Pietists made anti-Judaic assumptions: that Jews “sinned” in not recognizing Jesus as the Messiah and that they should stop persecution against Jews by “repenting”.³³

In this section, I want to identify the crucial turning point at which the subject of toleration towards Jews came to be regarded as a political matter which could no longer be debated within the boundaries of theology. It is my contention that this shift occurred during the Selichot debate (1745–47). However, before examining the major contributions to this debate, I shall briefly consider the context in which this debate emerged.

A central concern amongst Christians since the Middle Ages was the possibility that Jewish prayers might contain blasphemous passages. In the early eighteenth century, anti-Jewish publications, such as Johann Andreas Eisenmenger's *Entdecktes Judenthum* (1700) and Johann Christoph Wagenseil's *Denunciatio Christiana de Blasphemiis Judaeorum in*

³² For a good overview, see Peter Vogt, ‘Connectedness in Hope: German Pietism and the Jews’ in *A Companion to German Pietism*, ed. by Douglas H. Shantz (Leiden: Brill, 2015), pp. 81–115.

³³ Lucinda Martin, ‘Tolerance, Anti-Judaism, and Philo-Judaism in the Pietist Periodical “Bau des Reichs Gottes”’, *Seminar*, 48 (2012), 301–16.

Jesum Christum (1703) gave a new lease of life to this old controversy.³⁴ A theological dispute ensued in 1745 when a Jewish convert to Christianity, Christian Wilhelm Christlieb, proposed that the Selichot prayers should be banned for mocking Jesus.³⁵ His pamphlet accused the Jews of trying to circumvent censorship by using code-words, such as ‘Edom’, ‘Essau’ and ‘Achum’.³⁶

Christlieb drew attention to the fact that Frederick I of Prussia had issued the Aleinu Edict in 1703, which decreed that one line of the allegedly blasphemous Aleinu prayer had to be omitted from public and private prayer.³⁷ In Christlieb’s opinion, this action entirely conformed to the duties of a Christian monarch in a confessional state. He declared: ‘Kein Vornehmen kan für grosse Fürsten edler und vortreflicher seyn, als wenn sie die von Gott erhaltene Gewalt dazu anwenden, daß die Feinde Jesu Christi schweigen müssen’.³⁸

Even today, the Selichot prayers are an important part of the Jewish liturgy.³⁹ They are prayers for forgiveness said on fast days and during the period leading up to the High Holidays. It is therefore understandable that Jews were concerned about Christlieb’s proposal. Fearing reprisals, the Jewish community of Fürth approached the renowned theologian Christian Benedict Michaelis for his opinion on the subject.⁴⁰ After extensive research, Michaelis published a treatise denouncing Christlieb as a religious fanatic, finding the Jewish community innocent of the charges Christlieb had brought against them.⁴¹

Over the course of the following months, several more voices added to the discussion. Most of the issues raised in this debate go beyond the scope of this chapter. I shall examine two texts in this corpus which have not received the scholarly attention they merit: Johann

³⁴ Adam Sutcliffe, *Judaism and Enlightenment* (Cambridge: Cambridge University Press, 2003) pp. 176–77.

³⁵ For a general overview of some of the issues raised in the debate, see Udo Arnoldi, *Pro Iudaeis: Die Gutachten der hallischen Theologen im 18. Jahrhundert zu Fragen der Judentoleranz* (Berlin: [n.pub.], 1993) pp. 120–56.

³⁶ Christian Wilhelm Christlieb, *Kurzer Auszug aus denen Selichoth oder Jüdischen Buß-Gebeten* ([n.p.], 1745), p. 3.

³⁷ *Ibid.*, Dedication.

³⁸ *Ibid.*

³⁹ For information to the Selichot prayer, see Arnold Rosenberg, *Jewish Liturgy as a Spiritual System: A Prayer-by-Prayer Explanation of the Nature and Meaning of Jewish Worship* (Lanham, MD: Rowman, 1997), pp. 104–06.

⁴⁰ Arnoldi, *Pro Iudaeis*, pp. 122–23.

⁴¹ Christian Benedict Michaelis, *Bedencken über Christliebs Auszug aus dem Jüdischen Selichot* (Halle, 1745).

David Michaelis' *Vertheydigung des wegen der Jüdischen Selichoth gestellten Bedencken seines Vaters* (1745), and Siegmund Jakob Baumgarten's *Theologisches Bedenken von gewissenhafter Duldung der Juden und ihres Gottesdienstes unter den Christen* (1745).⁴²

My contention is that these works represent an important step beyond the concerns of earlier authors, who assumed that Jews could only be tolerated for religious reasons. Both thinkers showed an awareness that the modern state project demanded new answers to old questions.

Johann David Michaelis

Historians of antisemitism routinely take note of Johann David Michaelis' polemics against Jewish emancipation.⁴³ In his critical review of Christian Wilhelm Dohm's *Über die bürgerliche Verbesserung der Juden* (1781), Michaelis argued that it was for political reasons that Jews could not be granted citizenship.⁴⁴ He believed that Jewish dietary laws and the Jews' adherence to the Sabbath prevented them from becoming soldiers, and that their desire to return to Palestine meant that they were incapable of patriotism.⁴⁵ He even asserted that Jews were twenty-five times more likely to engage in criminality than other inhabitants of Germany.⁴⁶ Anna-Ruth Löwenbrück contends that Michaelis' review marked a new stage in the history of antisemitism.⁴⁷ Michaelis did not talk about 'Jews and Christians' but rather 'Jews and Germans'. He recognised that the state had developed into a secular institution, which meant that the Jewish presence in Prussia could not be opposed using theological arguments.

⁴² The secondary literature on these pamphlets is extremely limited. Although Udo Arnoldi provides a useful overview of both texts, his primary intention is to shed light on Baumgarten and Michaelis' positions within the Selichot debate. See Arnoldi, *Pro Iudaeis*, pp. 136–56.

⁴³ For example, see Jonathan M. Hess, 'Johann David Michaelis and the Colonial Imaginary: Orientalism and the Emergence of Racial Antisemitism in Eighteenth-Century Germany', *Jewish Social Studies*, 6 (2000), 56–101.

⁴⁴ Johann David Michaelis, 'Dohm über die bürgerliche Verbesserung der Juden', in *Orientalische und exegetische Bibliothek*, 24 vols (Frankfurt a.M., 1771–89), XIX (1782) 1–40.

⁴⁵ *Ibid.*, p. 11.

⁴⁶ *Ibid.*, pp. 4–5.

⁴⁷ Anna-Ruth Löwenbrück, *Judenfeindschaft im Zeitalter der Aufklärung: Eine Studie zur Vorgeschichte des modernen Antisemitismus am Beispiel des Göttinger Theologen und Orientalisten Johann David Michaelis (1717–1791)* (Frankfurt a.M.: Peter Lang, 1995), pp. 159–60.

Michaelis' earlier intervention in the debate over Jews — which will be the sole focus of this section — is rarely discussed in the existing literature. His *Vertheydigung des wegen der Jüdischen Selichoth gestellten Bedencken seines Vaters* (1745) contains none of the hostility towards Jews found in his later polemics.⁴⁸ On the contrary, Michaelis expresses sympathy for the Jews, who he says have long been the victims of religious persecution. He even asserts that Jews are entirely capable of patriotism. According to Michaelis, many Prussian Jews prayed for the success of Frederick the Great's war effort during the First Silesian War (1740–1742).⁴⁹ The only similarity between this pamphlet and his later review of Dohm is that Michaelis stresses the political dimension to the debate about the toleration of Jews.

Michaelis describes Christlieb as a religious fanatic who hates Jews and wants other Christians to hate Jews also. He draws parallels between Christlieb's proposal and the 20,000 Salzburg Protestants who were expelled from their homeland and found refuge in Prussia in 1731.⁵⁰ Michaelis points out that a Jewish state does not exist.⁵¹ To recommend a ban on the Selichot is an example of religious fanaticism, because Jews, if they wish to remain faithful to their religious teachings, would have nowhere to go if every state adopted such a policy. Michaelis claims that Christlieb's proposals not only contradict the spirit of Christian love, but also threaten the goal of religious conversion. Drawing from arguments made by Philipp Jakob Spener (1635–1705), the father of Pietism, Michaelis asserts that Jews can only learn the ways of Christ if they are granted religious toleration.⁵²

Whether Jews should be tolerated for the sake of trade is a question Michaelis asks but refuses to answer. He says only that there are many different opinions on the subject.⁵³ This comment is interesting. Historians generally suppose that there were few if any German thinkers before 1749 who supported the toleration of Jews for purely economic reasons. Undoubtedly, the Great Elector went against the consensus of expressed opinion

⁴⁸ Johann David Michaelis, *Vertheydigung des wegen der Jüdischen Selichoth gestellten Bedeckens seines Vaters* (Halle, 1745).

⁴⁹ *Ibid.*, p. 12. On Jewish expressions of patriotism in early modern Germany, see Michaela Wirtz, *Patriotismus und Weltbürgertum: Eine begriffsgeschichtliche Studie zur deutsch-jüdischen Literatur 1750–1850* (Tübingen: Niemeyer, 2006), pp. 31–37.

⁵⁰ Michaelis, *Vertheydigung*, pp. 5–6.

⁵¹ *Ibid.*, p. 6.

⁵² *Ibid.*, p. 6. On Spener's views about Jewish toleration, see Martin Friedrich, *Die Stellung der deutschen evangelischen Theologie zum Judentum im 17. Jahrhundert* (Tübingen: [n.pub.], 1988), pp. 124–40.

⁵³ Michaelis, *Vertheydigung*, p. 5.

when, not long after inviting 50 wealthy Jewish families to settle in Brandenburg-Prussia, he declared to his privy council in 1672: ‘daß die Juden mit ihren Handlungen Uns und dem Lande nicht schädlich, sondern vielmehr nutzbar erscheinen’.⁵⁴ As Ari Joskowicz points out:

In the rare case that a cameralist textbook commented on Jews at all during this period, it discussed them as a challenge to the prosperity of the productive sectors of society.⁵⁵

We shall return to this subject in the second half of this chapter, where I examine eighteenth-century cameralist attitudes towards the Jews.

Michaelis should not be read as an outright supporter of the utilitarian rationale for toleration. He says that it is regrettable that most monarchs pursue religious toleration due to an attitude of religious indifference.⁵⁶ Nonetheless, it is noticeable that Michaelis, unlike earlier thinkers such as Seckendorff, had come to terms with the political reality of the early modern secular state. He had accepted that rulers tolerated Jews from pragmatic considerations of state, and that they would continue to do so for so long as the state benefited from such a policy.⁵⁷ We should not underestimate the importance of this development. It implies the emergence of a status quo regarding the Jews in Germany; public opinion was beginning to shift in favour of toleration.

Michaelis argues that Christlieb should have emphasised the political reasons why Jews are damaging to the state if he had wanted to convince Christian rulers to refrain from tolerating Jews. He even gives an example of what a political reason might be: ‘Z.B daß die Juden, weil sie nicht Soldaten werden können, den Staat nicht beschützen helfen’.⁵⁸ It is evident, however, that Michaelis was not personally of the opinion that the toleration of Jews could be opposed on political-utilitarian grounds. He concludes his pamphlet by

⁵⁴ Reskript an die geh. Räte. dat. 8 Dec. 1672’, reprinted in Selma Stern, *Der preußische Staat und die Juden*, 8 vols in 4 parts (Tübingen: Mohr Siebeck, 1962–75), part 1 (1962), *Die Zeit des Großen Kurfürsten und Friedrichs I.*, vol. 2 *Akten*, p. 31.

⁵⁵ Ari Joskowicz, ‘Toleration in the Age of Projects: Cameralism, German Police Science, and the Jews’, *Jewish Social Studies*, 22 (2017), 1–37 (p. 7).

⁵⁶ Michaelis, *Vertheydigung*, p. 12.

⁵⁷ *Ibid.*, p. 7.

⁵⁸ *Ibid.*

arguing that the state's treasury would suffer greatly if Jewish families were forced to emigrate due to Christlieb's recommendations:

Endlich dürfte auch nicht schwer zu erweisen fallen, daß eben dieser Rath für die Republik schädlich sey. [...] Man muß bedencken, nicht nur daß die Einkünfte der Obrigkeit zu Anfang gewaltig leyden würden, wenn so viele Abgaben, welche die Juden jährlich zahlen, wegfielen: sondern auch, daß die ganze Republik einen empfindlichen Stoß bekomme, wenn auf einmal mehrere bemittelte Personen dieselbe quittiren. Es ist doch nicht zu leugnen, daß sich unter den Juden viele reiche Familien finden, und diese würden die ersten seyn, ein Land zu verlassen, in dem man ihnen mit solcher Härte begegnet.⁵⁹

Michaelis' use of the term 'Republik' is telling. He describes German absolutist states as republics, not because the citizens participate in political decision-making, but because their interests are represented by the government in its pursuit of the common good.⁶⁰

Siegmund Jakob Baumgarten

A similar concern is echoed in Siegmund Jakob Baumgarten's *Theologisches Bedenken von gewissenhafter Duldung der Juden und ihres Gottesdienstes unter den Christen* (1745).⁶¹ Baumgarten, however, unlike Michaelis, fully supported the utilitarian rationale for tolerating the Jews. We can only make sense of Baumgarten's arguments in this text if we know a little about his connection to Christian Wolff.

The relationship between Baumgarten and Wolff has been the subject of several theological studies.⁶² Baumgarten became famous for his attempts to reconcile reason and revelation using Wolff's deductive method, i.e. the principle of non-contradiction and sufficient reason.⁶³ Accordingly, he has been described as the foremost representative of

⁵⁹ Ibid., p. 14.

⁶⁰ On the diverse use of the term 'Republik' in eighteenth-century Germany, see Hans Erich Bödeker, 'The Concept of the Republic in Eighteenth-Century Germany', in *Republicanism and Liberalism in America and the German States, 1750–1850*, ed. by Jürgen Heideking and James A. Henretta (Cambridge: Cambridge University Press, 2002), pp. 35–52 (pp. 45–46).

⁶¹ Siegmund Jakob Baumgarten, *Theologisches Bedenken von gewissenhafter Duldung der Juden und ihres Gottesdienstes unter den Christen* (Halle, 1745).

⁶² See, for example, Martin Schloemann, *Siegmund Jakob Baumgarten: System und Geschichte in der Theologie des Überganges zum Neuprottestantismus* (Göttingen, [n.pub.], 1974), pp. 65–79.

⁶³ Tore Frängsmyr, 'Christian Wolff's Mathematical Method and its Impact on the Eighteenth Century', *Journal of the History of Ideas*, 36 (1975), 653–68. On the relationship between Christian Wolff and

‘theological Wolffianism’.⁶⁴ Baumgarten’s political thought, however, and his ideas about religious toleration, which were also profoundly shaped by Wolffian principles, have received very little scholarly attention.⁶⁵

Baumgarten shared with Wolff a lifelong concern for the practical application of philosophy and theology. His early political thought is set out in *Unterricht vom rechtmäßigen Verhalten eines Christen: oder Theologische Moral* (1738).⁶⁶ A discussion of this text will help us understand the arguments he sets forth in his contribution to the Selichot debate.

Baumgarten explains that it was his intention to write a guide to theological morality, in which theology is treated as a systematic science and practical teaching (*practische Lehre*).⁶⁷ This meant exploring the way in which theology relates to politics, ethics and society. Under the influence of Pietism, Baumgarten asserts that the purpose of theology is the union (*Vereinigung*) of man with God.⁶⁸ Whereas for Pietists man’s union with God was a mystical notion, Baumgarten considers it to be the direct result of ethical behaviour and activated belief.⁶⁹ Ethical behaviour involves abiding by biblical commands but also by the commands of natural law, which Baumgarten, following Wolff, describes as God’s commands transmitted through nature.⁷⁰

In considering the practical aspect of ethical behaviour, Baumgarten employs Pufendorf’s famous tripartite division of man’s duties. He discusses man’s duties to God, to himself, and to others. Baumgarten’s discussion of man’s duties to himself and to others leads him to consider man’s relationships within society. Taking his cue from Wolff,

Pietism, see Carl Hinrichs, ‘Die Auseinandersetzung mit Christian Wolff’, in Carl Hinrichs, *Preußentum und Pietismus: Der Pietismus in Brandenburg-Preußen als religiös-soziale Reformbewegung* (Göttingen: [n.pub.], 1971), pp. 388–441.

⁶⁴ David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton: Princeton University Press, 2008), p. 115.

⁶⁵ For an alternative account of Baumgarten’s ideas about toleration, which does not emphasise the connection to Wolff, see David Sorkin, ‘Reclaiming Theology for the Enlightenment: The Case of Siegmund Jakob Baumgarten’, *Central European History*, 36 (2003), 503–30. See also Christopher Voigt-Goy, “Häresie” in Halle: Thomasius – Böhmer – Baumgarten’, in *Aufgeklärtes Christentum: Beiträge zur Kirchen- und Theologiegeschichte des 18. Jahrhunderts*, ed. by Albrecht Beutel, et al. *Arbeiten zur Kirchen- und Theologiegeschichte*, 31.1 (Leipzig: Evangelische Verlagsanstalt, 2010), pp. 183–96.

⁶⁶ I am quoting from the third edition published in 1744; Siegmund Jakob Baumgarten, *Unterricht vom rechtmäßigen Verhalten eines Christen: oder Theologische Moral*, 3rd edn (Halle, 1744).

⁶⁷ *Ibid.*, p. 4.

⁶⁸ *Ibid.*, p. 2.

⁶⁹ Sorkin, ‘Reclaiming Theology for the Enlightenment’, pp. 509–10.

⁷⁰ Baumgarten, *Unterricht*, p. 32.

Baumgarten argues that humans have an inborn instinct to pursue their own welfare.⁷¹ Man's foremost duty to himself is to achieve happiness and moral perfection. Notably, Baumgarten asserts that this duty only applies to Christians, since the instinct to pursue happiness, when left untamed by Christian values, can lead to immoral desires which will only result in unhappiness.⁷²

In elaborating his theory of state, Baumgarten closely follows Wolff's reasoning in *Deutsche Politik*: since individuals are unable to achieve happiness and moral perfection in the state of nature, they are obliged to enter political society, in which political and administrative power is placed in the hands of a ruler who is required to do everything in his means to promote general happiness. Like Wolff and the cameralists, Baumgarten was a fervent supporter of the well-ordered police state. He stresses that good governance requires an efficient political and legal framework:

Weil der höchsten Obrigkeit die Besorgung der Wohlfart des gemeinen Wesens zukommt und obliegt: so muß dieselbe auch zu alle dem berechtiget seyn, was die Beförderung solcher gemeinen Wohlfart erfordert; folglich, einmal, bürgerliche Gesetze zu verordnen und über derselben Volziehung zu halten, oder theils die freien Handlungen der Unterthanen durch genauere Vorschriften näher einzuschräncken und hinlängliche Strafen damit zu verknüpfen; theils solche Strafen bey verschuldeter Übertretung der Gesetze wircklich zu volziehen.⁷³

Clearly, for Baumgarten, punishments and legal restrictions play a vital role in political societies which aim to achieve general happiness.

Baumgarten goes beyond Wolff by explicitly directing his discussion to the question of religious toleration. According to Baumgarten, the state is a secular institution. It therefore cannot intervene in matters of conscience, insofar as these privately held beliefs do not bring the individual into conflict with the perceived interests of the state. The government can, however, restrict the rights of heretics and non-Christians when doing so would contribute to the common good of society. Thus, the conflict between individual and community found in Wolff's work is also an issue in Baumgarten's thought.

⁷¹ *Ibid.*, p. 241.

⁷² *Ibid.*

⁷³ *Ibid.*, p. 419.

Baumgarten maintains that the true recognition of God is an important component of the common good. Religious conflict can lead to a breach of the common peace (*gemeine Ruhe*).⁷⁴ A ruler is obliged to intervene in matters of religion when religious ceremonies and rites directly or indirectly lead to civil unrest. In such cases, the ruler can impose legal restrictions or force expulsion.

A useful summary of Baumgarten's argument is found in his introduction to the German translation of J. Baker's *History of the Inquisition* (1741). In brief, Baumgarten argues that people can only ever be punished for the practical and ethical consequences of holding certain beliefs, not for the beliefs themselves:

Da die höchste Obrigkeit berechtigt und verbunden ist vor die Ruhe, Sicherheit und Wohlfart des gemeinen Wesens zu sorgen: [...] so kan es keine Verfolgung seyn, wenn sie Störern der gemeinen Ruhe und Sicherheit Einhalt thut, Übertreter ihrer Gesetze zur Strafe ziehet, und ihre Unterthanen bey dem ihrigen schützt, folglich alle Klagen über Beleidigung entscheidet und die höchste Gerichtsbarkeit verwaltet. Es können also Ketzer und irgläubige sowol als andere Menschen mit bürgerlichen Strafen belegt werden, nur nicht als Ketzer blosser Irrtümer wegen, sondern als Störer der gemeinen Ruhe, um der Übertretung bürgerlicher Gesetze willen.⁷⁵

In *Theologisches Bedenken von gewissenhafter Duldung der Juden* (1745) Baumgarten attempts to prove that the Jews' civil liberties, including the freedom of religion, can never be restricted due to purely religious concerns (*gottesdienstliche Ursachen*).⁷⁶ As expected, he develops his arguments in opposition to Christlieb, declaring that the Jews and their liturgy — including the Selichot prayer — should be tolerated as long as the common good is not threatened by such a policy.⁷⁷

Baumgarten identifies five reasons why Protestants are obliged to tolerate Jews: (1) because Jews and Christians share a common heritage; (2) because Jews are witnesses to the truth of Christianity; (3) because Christianity preaches love for one's enemies; (4) because Christians should aim to convert Jews to Christianity; and (5) because Protestants

⁷⁴ Ibid., p. 426.

⁷⁵ Siegmund Jakob Baumgarten, 'Vorrede' in J. Baker, *Volständige Historie der Inquisition*, trans. by Christian Friedrich Tiefensee (Copenhagen, 1741).

⁷⁶ Baumgarten, *Theologisches Bedenken*, p. 9.

⁷⁷ Ibid., p. 21.

abhor all forms of religious coercion.⁷⁸ Additionally, Baumgarten reminds his readers that Jews are human beings who have an inherent right to exist. Since they do not have their own commonwealth, they must settle in foreign states.⁷⁹

The novelty of Baumgarten's account does not lie in his theological arguments for religious toleration, which he derives from Pietist authors, but in his claim that the toleration of Jews is beneficial to society for utilitarian reasons. Like Wolff and the eighteenth-century cameralists, Baumgarten holds that the state should promote population growth to increase general happiness. He argues that the toleration of Jews is indisputably (*unstreitig*) a desirable policy: 'indem alle Vermerung sowol der unterthänigen Einwohner als auch der Einkünfte eines gemeinen Wesens zum nutzen und Wachstum der Stärke desselben gereicht'.⁸⁰

For our purposes, the most fascinating part of Baumgarten's text is his response to the possible objection that Jews might harm the commonwealth due to their religious teachings.⁸¹ Baumgarten admits that Jewish ceremonial practices might prevent Jews from engaging in certain useful activities. In *Entdecktes Judenthum*, Eisenmenger had claimed that the Talmud forbade certain occupations, such as agricultural labour.⁸² In Baumgarten's opinion, however, the Jews' positive virtues far outweigh any shortcomings: '[Es] ist doch unerweislich daß ihr gottesdienstlicher Lehrbegrif sie dem gemeinen Wesen schädlich, oder der Obrigkeit untreu machen und dazu anhalten solle, vielmehr das Gegenteil unleugbar erweislich'.⁸³

Baumgarten's *Theologisches Bedenken* contains several examples of genuine philosemitism. Without offering specific examples, he claims that certain Jewish teachings encourage Jews to be loyal and useful members of any commonwealth in which they reside. It is likely that Baumgarten is referring to the *dina de-malkhuta dina* tradition in Jewish law which holds that exiled Jews should accommodate the demands of the ruling power. In Jeremiah 29: 7, the Jews exiled to Babylonia are told:

⁷⁸ Ibid., p. 9.

⁷⁹ Ibid., p. 8.

⁸⁰ Ibid.

⁸¹ Ibid., p. 13.

⁸² Johann Andreas Eisenmenger, *Entdecktes Judenthum*, 2 vols (Königsberg, 1711), II, p. 993.

⁸³ Baumgarten, *Theologisches Bedenken*, p. 14.

And seek the peace of the city whither I have caused you to be carried away captives, and pray unto the LORD for it: for in the peace thereof shall ye have peace.⁸⁴

Baumgarten's comments are also consistent with what he writes about citizenship in *Unterricht vom rechtmäßigen Verhalten eines Christen*:

Folglich kan niemand ein Christ seyn, ohne ein ehrbarer Mensch und guter Bürger, oder treuer Unterthan zu seyn: obgleich das letzte wol ohne das erste stat findet, und jemand ehrbar, auch ein guter Bürger seyn kan, ohne eben ein Christ zu seyn.⁸⁵

Baumgarten does not expand upon these comments, except to say that it is wrong to accuse Jews of harbouring a general hatred towards Christians. He insists that in several instances the exact opposite is true; there are many examples of Jews coming to the aid of destitute Christians.⁸⁶

Evidently, Baumgarten sought to challenge his era's dominant discourse about the Jews, which assumed Jewish antagonism towards Christians. Baumgarten believed in the malleability of human nature. He argues that Christians are largely responsible for any negative feelings Jews have towards them, which stem from centuries of oppression beginning with the Crusades and Inquisitions.⁸⁷ With these arguments, Baumgarten anticipates Dohm's strategy in *Über die bürgerliche Verbesserung der Juden* (1781).

Baumgarten does not see an inherent problem with Jews and Christians living together in Christian states. He admits that theological disputes are inevitable, given that Christianity and Judaism have contradictory religious teachings. Theological animosity only becomes a problem if it results in animosity in the civil sphere.⁸⁸ In Baumgarten's vision of society, Christians are allowed to hate Jewish beliefs and practices. However, they must not treat Jews with hatred or hostility. Jews are subject to the same requirements. Their settlement privileges can be immediately revoked if they cause civil unrest, for

⁸⁴ Gil Graff, *Separation of Church and State: Dina de-Malkhuta Dina in Jewish Law, 1750–1848* (University, AL: University of Alabama Press, 1985), p. 1.

⁸⁵ Baumgarten, *Unterricht*, p. 104.

⁸⁶ Baumgarten, *Theologisches Bedenken*, p. 12.

⁸⁷ *Ibid.*, p. 14.

⁸⁸ *Ibid.*, pp. 11–12.

example, by trying to convert Christians to Judaism, or by openly mocking Christians for their beliefs.⁸⁹

Baumgarten clarifies that he is only advocating the toleration of Jews, not their naturalisation. He poses the question: ‘Ob in christlichen gemeinen Wesen die Juden den Christen vorgezogen, oder diese letztern den erstern Platz zu machen vertrieben werden sollen?’⁹⁰ According to Baumgarten, Jews can live below and beside Christians (*unter und neben*) but never in a position of superiority. The Jews cannot be prioritised in the state’s pursuit of the common good, since only Christians are able to achieve happiness and moral perfection. Baumgarten describes the Jews as ‘Fremdlinge’.⁹¹ He claims that the ruler can legitimately impose restrictions on the Jews, if doing so would contribute to the welfare of Prussia’s native Christian population:

Ohne daß es unrecht sey, theils solche Duldung nach Gutfinden einzuschränken, in Absicht sowol der Anzal bey Aufnahme fremder Juden, als auch der ihnen auferlegten Abgaben und Beschwerden, die zur Erleichterung der übrigen Unterthanen und zum Nutzen des gemeinen Wesen gereichen, worin Obrigkeiten nicht zu weit gehen können, wenn nur derselben Leben, Gewissen und übrigen Eigentum dabey in Sicherheit bleibt; [...] theils diese ertheilte Freiheit des Aufenthalts wieder aufzuheben, sobald solches die Wohlfart ihrer gemeinen Wesen erfordert.⁹²

In the last chapter, we explored the argument that the so-called ‘emancipation’ of court Jews depended entirely on the goodwill and survival of their patrons. In Baumgarten’s Christian commonwealth, the Jews remain in a precarious position. Since the Jews are not included in the calculation of the common good, their privileges can be withdrawn for the sake of the common good. Baumgarten’s work clearly reveals the influence of Wolff’s utilitarian model of toleration: tolerated minorities, if classified as foreigners, can only be tolerated within the limits of the common good.

Nonetheless, Baumgarten is open to the possibility of an improvement in the civil status of Jews. He offers no concrete policy recommendations but says that the Jews should be granted the maximum civil liberties compatible with the common good.⁹³ If oppressive

⁸⁹ Ibid., p. 7.

⁹⁰ Ibid., p. 14.

⁹¹ Ibid., p. 8.

⁹² Ibid., p. 7.

⁹³ Ibid., p. 17.

restrictions prevent Jews from becoming useful members of society then the only logical action must be to lift them. Therein lies the significance of Baumgarten's text: his discussion of the toleration of Jews reached out beyond the realm of theology into that of politics and administration.

It should be observed that Baumgarten advanced arguments which not only anticipated but may indeed have influenced future debates about the Jews. His pamphlet is mentioned (and praised) in several cameralist texts which deal with the toleration of Jews.⁹⁴ Even in the nineteenth century, Baumgarten's text was cited in several historical and legal works about Jewish emancipation, notably Karl Wilhelm Friedrich Grattenauer's *Wider die Juden* (1803), and Christian Friedrich Koch's *Die Juden im preußischen Staate* (1833).⁹⁵

Eighteenth-century Cameralism

When the term 'cameralism' is mentioned by scholars of German-Jewish history, it is usually mentioned in the context of discussions about Christian Wilhelm von Dohm. Francesca Bregoli points out that Dohm's proposals were 'influenced by the German doctrine of cameralism'.⁹⁶ Derek Penslar calls Dohm a 'classic cameralist' who sought to 'maximize the capacity of the state economy through all appropriate means'.⁹⁷ Occasionally we also read about the influence of the cameralist worldview on the politics of Emperor Joseph II of Austria. Lois Dubin describes Joseph's edicts of toleration (1781) as 'imbued with a cameralist view of the importance of useful subjects for the state'.⁹⁸ It is clear, then, that scholars are aware of the influential role cameralist principles played in later developments in German-Jewish history.

⁹⁴ For example, see the article 'Judentoleranzwesen' in *Policey- und Cameral-Magazin* ed. by Johann Heinrich Ludwig Bergius, 9 vols (Frankfurt a.M., 1767–74), V (1770), pp. 220–273 (p. 222).

⁹⁵ Karl Wilhelm Friedrich Grattenauer, *Wider die Juden*, 2nd edn (Berlin, 1803), p. 9; Christian Friedrich Koch, *Die Juden im preußischen Staate: Eine geschichtliche Darstellung der politischen, bürgerlichen und privatrechtlichen Verhältnisse der Juden in Preußen* (Marienwerder, 1833), p. 24.

⁹⁶ Francesca Bregoli, *Mediterranean Enlightenment: Livornese Jews, Tuscan Culture, and Eighteenth-Century Reform* (Stanford: Stanford University Press, 2014), p. 220.

⁹⁷ David Penslar, *Shylock's Children: Economics and Jewish Identity in Modern Europe* (Berkeley: University of California Press, 2001), p. 27.

⁹⁸ Lois C. Dubin, *The Port Jews of Habsburg Trieste: Absolutist Politics and Enlightenment Culture* (Stanford: Stanford University Press, 1999), p. 69.

That being said, it is curious that historians have not tried to understand how Jews featured in the thought of cameralist authors apart from Dohm. Jonathan Karp, for example, in *The Politics of Jewish Commerce*, is solely interested in the influence of cameralism as an economic doctrine which ‘endeavoured to explain how best to conduct public administration so as to maximize and extract state revenues’.⁹⁹ He concludes that the achievement of cameralism was to ‘carve out a limited space of legitimate mercantile innovation, one that at least implicitly included Jews’.¹⁰⁰ In the two pages he devotes to Dohm’s cameralist predecessors, Karp does not mention any of the concrete proposals for transforming Jews into productive members of society.¹⁰¹

A notable exception to this historiographical trend is a recent article by Ari Joskowicz. Focusing his study on a selection of cameralist authors, including Johann Heinrich Gottlob Justi, Johann Albrecht Philippi, Johann Bergius and Christian Wilhelm Dohm, Joskowicz concludes that ‘cameralism proved a testing ground for early proposals about how to transform Jews’ relationship to their neighbours and their state’.¹⁰² He argues that if we only study the humanist contributors to eighteenth-century debates about the toleration of Jews, such as Moses Mendelssohn and Gotthold Ephraim Lessing, then we run the risk of overlooking ‘a major competing framework of eighteenth-century thought concerning the role of Jews in society’.¹⁰³

In the latter half of the eighteenth century, dozens of pamphlets appeared calling for a change to the laws regulating Jewish existence in Germany. The central question was no longer whether Jews should be tolerated, but rather what the terms of settlement should be. Most of these theorists of administration were unconcerned with theological questions, emphasising instead the pragmatic reasons for toleration. Their relationship to Jews was ambivalent. Many of them, such as Johann Friedrich von Pfeiffer, expressed sympathy for Jews as victims of oppression:

⁹⁹ Jonathan Karp, *The Politics of Jewish Commerce: Economic Thought and Emancipation in Europe, 1638–1848* (Cambridge: Cambridge University Press, 2008), p. 101.

¹⁰⁰ *Ibid.*, p. 102.

¹⁰¹ *Ibid.*, pp. 101–02.

¹⁰² Joskowicz, ‘Toleration in the Age of Projects’, p. 2.

¹⁰³ *Ibid.*

Sind die Juden noch nicht besser geworden, als sie ehemals waren, so liegt ein großer Teil der Schuld an den Christen, die sie in einer Art von Sklaverei und Verachtung halten; denn zwischen Herren und Sklaven kann weder Freundschaft, noch Liebe, noch vertrauen seyn.¹⁰⁴

But their proposals were not motivated by humanitarian concerns. Indeed, they often reproduced traditional anti-Jewish stereotypes. Pfeiffer, for example, referred to Christian usurers as uncircumcised Jews.¹⁰⁵

The novelty of the new cameralist approach was that these cameralists believed that the Jews could be successfully policed by the state. They viewed Jews as a dangerous force in society if left untamed, but as an untapped source of wealth if the correct laws and regulations governed their activity. That cameralists should arrive at this conclusion is not surprising. They dreamt not only of a well-ordered police state, but also of a well-disciplined police state, in which the behaviour of individuals could be shaped and optimised by the laws of society.

Joskowicz argues that the first stirrings of a new approach to Jewish population management can be traced back to an essay entitled *Kurze Untersuchung der Frage: Ob die Juden nicht zur Handarbeit und Erlernung ehrlicher Professionen und Handwerker anzuhalten* (1749).¹⁰⁶ Although the anonymous author 'M' was chiefly concerned with theological questions, he also stressed the economic benefits of Jews engaging in useful labour. He recommended that the laws preventing Jews from working in crafts should be lifted, and that Jewish children be schooled in practical skills, the German language, Latin, and 'Vernunft- und Sittenlehre'.¹⁰⁷

A discussion about the productive potential of Jews began earlier than Joskowicz states. I have already mentioned the cameralist inclinations of Baumgarten and Michaelis. Additionally, M's central proposal had been made eight years earlier by a legal scholar. In *Von Recht der Juden* (1741), Johann Jodocus Beck argued that the Jews should learn crafts

¹⁰⁴ Johann Friedrich von Pfeiffer, *Lehrbegriff sämtlicher oeconomischer und Cameralwissenschaften*, 6 vols (Mannheim, 1764–78), V (1778), p. 54.

¹⁰⁵ Johann Friedrich von Pfeiffer, *Die Manufacturen und Fabriken Deutschlands nach ihrer heutigen Lage betrachtet und mit allgemeinen Vorschlägen zu ihren vorzüglichsten Verbesserungsmitteln begleitet*, 2 vols (Frankfurt a.M., 1780), II, p. 511.

¹⁰⁶ M, 'Kurze Untersuchung der Frage: Ob die Juden nicht zur Handarbeit und Erlernung ehrlicher Professionen und Handwerker anzuhalten', in *Leipziger Sammlungen von wirthschaftlichen, Policy-Cammer- und Finanz-Sachen*, ed. by Georg Heinrich Zincke, 16 vols (Leipzig, 1744–67), V (1749), 578–605.

¹⁰⁷ *Ibid.*, p. 587.

and live a similar lifestyle to their Christian neighbours. That they had so far failed to do so was because of the guilds' refusal to admit them into their ranks, not because of their indolence. Beck recommended that rulers should introduce laws compelling Jews to learn honest crafts and set up their own guilds. This would enable Jews to contribute to the common good of society.¹⁰⁸

Another cameralist pamphlet deserving of mention is *Ohnverfängliche Vorschläge zu Errichtung einer guten Polizey* (1739).¹⁰⁹ This obscure work, written by an anonymous author 'C. B. v. L.' must be counted amongst the most anti-Jewish and xenophobic texts of the eighteenth century. It deserves mention in this context because the author's discussion of Jewish settlement rights seems to have been written in response to existing proposals. This indicates that the question of Jewish terms of settlement had entered public discourse earlier than modern scholars have hitherto recognised:

Nun weiß ich wohl, daß bereits vieles der Juden wegen geschrieben, vor und gegen sie verhandelt, der Nutzen und Schaden, den man von ihnen hat, gegen einander gehalten und erwogen worden, wie man einem oder anderm abhelfliche Maaß geben könne; welches alles ich auch hier nicht wiederholen, sondern nur das notwendigste ganz kürzlich zum Grund legen will, worauf mein Vorschlag vest stehen solle.¹¹⁰

In a chapter on combating criminality, the author addressed the question whether Jews could be transformed into useful members of the commonwealth.¹¹¹ He conceded that existing economic and legal restrictions had contributed to a situation where Jews were only able to sustain themselves with activities which were damaging to Christians. He examined several policies which, he said, had previously been proposed to prevent Jews from harming society, such as allowing them to own landed property, admitting them to craft occupations, or compelling them to work as domestic servants. However, the author concluded, without providing evidence, that none of the proposals would work: 'Es ist ja begreiflich, daß die Juden keine nützliche Leute sind'.¹¹²

¹⁰⁸ Johann Jodocus Beck, *Tractatus de iuribus Judaeorum: Von Recht der Juden* (Nuremberg, 1741), pp. 25–26.

¹⁰⁹ C. B. v. L., *Ohnverfängliche Vorschläge zu Errichtung einer guten Polizey*, 2nd edn. (Frankfurt a.M., 1740).

¹¹⁰ *Ibid.*, p. 138.

¹¹¹ *Ibid.*, pp. 136–56.

¹¹² *Ibid.*, p. 143.

The author's thoughts about population diverged starkly from those of his contemporaries. He asserted that the difficult times experienced in Germany had been caused by too large a population. He recommended that Jews should be expelled from all Christian lands; and if they were not given refuge in Turkey, then one had to buy them ships and let them sail to uninhabited islands in America.¹¹³

Johann Heinrich Gotthold Justi

Ohnverfängliche Vorschläge caught the attention of the leading cameralist author of the eighteenth century: Johann Heinrich Gotthold von Justi. In a critical review, published in *Grundsätze der Policy-Wissenschaft* (1756), Justi complained that the pamphlet lacked a coherent system, and that many of its proposals were 'chymärisch'.¹¹⁴ Soon after reviewing *Ohnverfängliche Vorschläge*, Justi published his own article on the state's treatment of Jews.¹¹⁵ In this article, he explains that the question about Jewish settlement rights is in urgent need of further investigation, given the lack of basic consensus about this issue amongst cameralist theorists and administrative officials:

Wenn jemals in einer Sache getheilte Meinungen gewesen sind: so ist es über die Frage, ob die Juden einem Lande nützlich sind. Von denen Policyverständigen Gelehrten, die hierüber ihre Gedanken geäußert haben, halten einige die Juden einem Staate sehr schädlich, andere hingegen finden sie vor nützlich, weil sie der Bevölkerung zu statten kommen und ein fleißiges Volk sind; und wieder andere halten sie wenigstens vor unschädlich, wenn sie dadurch die Gesetze in Schranken gehalten werden. Die Regierungen selbst beweisen durch die Ausübung, daß sie gar nicht einerley Grundsätze in der Sache haben. Wenn die Juden in dem einem Reiche oder Lande ohne alle Schwierigkeit aufgenommen und geduldet werden; so schließet man sie aus dem andern gänzlich aus.¹¹⁶

¹¹³ Ibid., pp. 149–50.

¹¹⁴ Johann Heinrich Gottlob von Justi, *Grundsätze der Policy-Wissenschaft* (Göttingen, 1756), pp. xix–xx.

¹¹⁵ Johann Heinrich Gottlob von Justi, 'Ob die Juden einem Lande nützlich sind' *Göttingische Policy-Amts Nachrichten*, 3 vols (Göttingen, 1755–57), III (1757), 61–63, 65–67.

¹¹⁶ Ibid., p. 61.

Justi was the earliest prominent cameralist author to reflect seriously on Jewish settlement rights. Later proposals were often framed as responses to his recommendations.¹¹⁷ My interest in Justi lies not only in his novel approach to the Jewish question but also in his connection to Christian Wolff. If Wolff is considered the founder of the German theory of the welfare state, then Justi should be regarded as the thinker who introduced this theory into the world of political economy. An investigation into Justi's ideas will further help us understand how Wolffian principles shaped debates about the toleration of Jews in Germany.

Before Justi, cameralists mainly elaborated practical maxims concerning the fiscal affairs of the sovereign. Their writings contained many empirical beliefs but no unifying logic or systematic framework. Justi became famous for his attempt to turn cameralism into a systematic science of governance grounded in philosophy. It was due to Justi's influence that Wolff's idea of *Glückseligkeit* became the 'Schlüsselbegriff' of the cameralist political doctrine.¹¹⁸ As his contemporary and successor in the cameralist tradition Joseph von Sonnenfels (1732–1817) noted:

Der erste, der die Staatswissenschaft mit allen ihren untergeordneten Wissenschaften zu einem allgemeinen Grundsatz zurückführte, war der Herr von Justi, und er hat hierzu die Beförderung der allgemeinen Glückseligkeit angenommen. Die Beförderung der allgemeinen Glückseligkeit ist [...] die Entstehungsursache der Staaten, und ihr immerfortdauernder Endzweck.¹¹⁹

Christian Wolff's influence on Justi has been discussed by several historians.¹²⁰ Since a detailed comparison between Wolff and Justi is beyond the scope of these pages, I limit myself to a brief summary of their relationship. Further similarities will become apparent as my discussion continues.

¹¹⁷ On responses to Justi's position, see Jaskowicz, 'Toleration in the Age of Projects', pp. 20–25.

¹¹⁸ Ulrich Engelhardt, 'Zum Begriff der Glückseligkeit in der kameralistischen Staatslehre des 18. Jahrhunderts (J. H. G. v. Justi)', *Zeitschrift für Historische Forschung*, 8 (1981), 37–80 (p. 45).

¹¹⁹ Joseph von Sonnenfels, *Grundsätze der Policey- Handlung- und Finanzwissenschaften*, 3rd edn (Vienna, 1777), p. 22–23.

¹²⁰ Most useful are the comparisons found in Marcus Obert, *Die naturrechtliche "politische Metaphysik" des Johann Heinrich Gottlob von Justi (1717–1771)* (Frankfurt a.M.: Peter Lang, 1992). See also Jürgen Georg Backhaus, 'From Wolff to Justi', in *The Beginnings of Political Economy: Johann Heinrich Gottlob von Justi*, ed. by Jürgen Georg Backhaus (New York: Springer, 2009), pp. 1–19.

The central pillar of Justi's thought is Wolff's theory of the common good. Despite his opposition to the social contract tradition, Justi agrees with Wolff that the purpose of all state activity is the promotion of public happiness. Justi describes this as the supreme law (*höchste Gesetz*) of the state, from which all other laws must flow.¹²¹ Unlike Wolff, Justi is not interested in the idea of spiritual perfection. As Justi understands it, happiness is first and foremost identified by material wealth.¹²² He consistently maintains that the state must be equipped with a legal and economic framework in which individuals can materially prosper, for only if people live above the minimum material requirements can they lead a happy life.

Although Wolff emphasised the importance of the practical application of philosophy, he remained first and foremost a theorist of natural law. In contrast, Justi is primarily interested in policy implementation. As Jürgen Backhaus points out: 'Justi takes the Wolffian landscape, which Wolff developed in terms of ramification of natural law, and built a system of policy'.¹²³

Justi's attitude towards the Jews is marked by the same ambivalence which we have seen in other thinkers of this period. His limited support for the toleration of Jews is grounded in utilitarian considerations. The following discussion will mainly look at two texts in which Justi studies the state's treatment of Jews. The first is *Staatswirtschaft* (1755), which became a standard textbook at universities in the second half of the eighteenth century.¹²⁴ The second is his short essay *Ob die Juden einem Lande nützlich sind* (1757), which was reprinted in his 1760 textbook *Grundfeste*.¹²⁵

In all of his major works, Justi takes it for granted that population growth is advantageous to the state.¹²⁶ He claims: 'Heute zu Tage ist dieses ohnedem eine Wahrheit,

¹²¹ Johann Heinrich Gotthold von Justi, *Die Natur und das Wesen der Staaten als die Grundwissenschaft der Policy, und aller Regierungswissenschaften* (Berlin, 1760), p. 68.

¹²² Adam, *Political Economy of J. H. G. Justi*, p. 152.

¹²³ Backhaus, 'From Wolff to Justi', p. 11.

¹²⁴ Johann Heinrich Gottlob von Justi, *Staatswirtschaft: oder systematische Abhandlung aller Oeconomischen und Cameral-Wissenschaften die zur Regierung eines Landes erfordert werden*, 2 vols (Leipzig, 1755).

¹²⁵ Johann Heinrich Gottlob von Justi, *Die Grundfeste zu der Macht und Glückseligkeiten der Staaten: oder ausführliche Vorstellung der gesamten Policy-Wissenschaft*, 2 vols (Königsberg, 1760), I: p. 235.

¹²⁶ A brief overview of Justi's population and immigration policy is provided by Marcel van Meerhaeghe, 'The International Aspects of Justi's Work', in *The Beginnings of Political Economy*, 99–110 (pp. 103–105).

die keines besondern Beweises bedarf'.¹²⁷ According to Justi, the best way to encourage the settlement of foreigners is to ensure that settlers are able adequately to sustain themselves and that they enjoy civil liberty. In agreement with Wolff, Justi asserts that a state with a bad reputation abroad will attract few immigrants. A ruler should thus pursue the common good not only because he is obliged to do so, but also because of economic pragmatism.¹²⁸

According to Justi, immigrants should be granted complete freedom of worship, and the same rights and protection as the native population:

Ferner muß man denen Fremden, wenn man sie zur Niederlassung im Lande anreizen will, alle Rechte, Vorzüge und Freiheiten zu gestehen, welche die Eingebornen des Landes genießen. Denn niemand ziehet gerne in ein Land, wo er weiß, daß er geringer gehalten werden wird, als andere Einwohner, und wo er die alten Einwohner kränkende Vorzüge genießen siehet, darzu er sich keine Hofnung machen darf. Die Fremden, die sich im Lande niederlassen, müssen dannhero entweder in öffentlichen Edicten vor naturalisirte Einwohner erkläret werden, oder die Naturalisations-Acte muß ihnen auf ihr Ansuchen so fort unentgeltlich ertheilet werden.¹²⁹

Justi believes that foreign-born settlers must become integrated members of society for immigration to be a success. He argues: 'Die größte Weisheit der Regierung bey der Aufnahme einer großen Anzahl fremden Volkes kommt demnach darauf an, daß sie eine beständige Absonderung der alten und neuen Einwohner verhindert'.¹³⁰ Justi lists several recommendations regarding how integration can be achieved. He proposes that foreigners should embrace the customs of their new homeland and should be encouraged to marry natives, and their children should learn German in school.¹³¹

It is likely that Justi's experiences in Prussia convinced him of this approach. The Jews were only one of several minority groups that lived in Prussia. Scholars investigating Prussia's immigration policy often contrast the Jewish experience with that of the French Huguenots, who settled in Prussia after the promulgation of the Edict of Potsdam (1685). Edicts in 1709 and 1721 guaranteed the French refugees the same legal status as the native

¹²⁷ Justi, *Grundfeste*, I, p. 236. Wolff says something similar in *Deutsche Politik*, § 275.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*, p. 239.

¹³⁰ *Ibid.*, p. 245

¹³¹ *Ibid.*

population. Nonetheless, the French colony was treated as a distinct section of society for administrative, judicial and educational purposes.¹³² Pointing to the example of the French Huguenots in Prussia, Justi stresses the dangers of failed integration. He warns that the Huguenots will return to France as soon as the opportunity presents itself because they lack a patriotic devotion to the German nation (*Vaterlandsliebe*).

Justi's comments about the importance of religious toleration and integration, and his support for the naturalisation of immigrants, raises the question whether he also supports the naturalisation of Jews. After all, unlike Baumgarten, Justi defines happiness in terms of material prosperity rather than moral or spiritual welfare. For reasons which will become clear, Justi opposes the naturalisation of Jews. He regards the Jews as a people who cannot be united with the native population of a Christian state, and who therefore should not be granted the same rights as other foreign-born settlers. Although Justi does not explicitly comment on the issue of Jewish naturalisation in his writings, his view can be reconstructed from his discussion of taxation and Jewish commerce.

Justi on the *Judensteuer*

The first indication that Justi opposes Jewish naturalisation is his comments about the *Judensteuer*, which can be found in the second volume of *Staatswirtschaft*.¹³³ As I mentioned in Chapter 1, since medieval times Jews in Christian countries had been burdened with a special tax which they had to pay in addition to the usual taxes in exchange for protection. This was often referred to as 'protection money' (*Schutzgeld*). During the Great Elector's rule, Jews in Prussia had to pay a *Schutzgeld* of 8 Reichsthaler per family. In 1728, the Prussian government replaced this system with an annual tax of 15,000 Reichsthaler (calculated at the rate of 14 ½ Reichsthaler per family), for which the Jewish community was held collectively responsible.¹³⁴ This was often known as the *Judensteuer*.

¹³² Theodor Schieder, *Friedrich der Große: Ein Königtum der Widersprüche* (Frankfurt a.M.: Ullstein, 1986), pp. 99–100.

¹³³ Justi, *Staatswirtschaft*, II, p. 326.

¹³⁴ Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family, and Crisis, 1770–1830* (Oxford: Oxford University Press, 1994), pp. 11–12.

Justi's comments about the *Judensteuer* form a short part of his lengthy discussion about taxation. Like all cameralists, Justi was concerned with the question how the state can raise revenues. He explains that, under ideal circumstances, state revenues should be entirely derived from returns of the royal domain lands (*Domänen*) and property rights (*Regalien*).¹³⁵ Nonetheless, he recognises that this is an unrealistic expectation in the eighteenth century. The emergence of permanent standing armies, and an increasingly expensive court culture, meant that taxation had irreversibly become a regular component of state revenue structures.¹³⁶

The problem with taxation, according to Justi, is that there is a constant danger of abuse. Taxes are only legitimate and reasonable so long as they are levied with the aim of pursuing the common good. Justi demands that legislators consider several core principles when they evaluate existing or proposed tax policies. First, taxes must be affordable and should not have a detrimental impact on the wealth of the subject in the long term. Second, taxes should be paid in proportion to the degree of protection a subject receives from the state; since wealthier subjects require more protection, they should pay proportionally higher contributions. Third, tax collection should not result in an infringement of the civil liberties of the taxpayer, since freedom is an essential component of happiness.¹³⁷

In his discussion of the *Judensteuer*, Justi places limits on the scope of his core principles of taxation. From what he writes, it is evident that his principles of taxation are designed only to protect the welfare of integrated members of society, not that of alien residents. Like Baumgarten, Justi assumes that Jews can contribute to the common good. However, their interests should not be directly represented in the government's pursuit of general happiness, which is why they can be subjected to irregular taxes, such as the poll tax:

Fast allenthalben ist dieses Kopfgeld der Juden auf reiche und arme unter ihnen gleich stark; und man überlaßt es den armen Juden, ob sie durch Beysteuern der Reichen oder auf andere Art, dasselbe aufbringen können. Gemeinlich muß auch die ganze Judenschaft dafür stehen, daß diese Kopfsteuer nach Anzahl der Köpfe

¹³⁵ Justi, *Staatswirthschaft*, I, pp. 363–64.

¹³⁶ Justi, *Staatswirthschaft*, II, pp. 287–88.

¹³⁷ These principles feature in several of Justi's works, including *Staatswirthschaft*, but are most clearly expounded in *Ausführliche Abhandlung von denen Steuern und Abgaben* (Königsberg, 1762), pp. 23–44.

zusammen gebracht werde. Da es der eigene Wille dieses unglücklichen Volkes ist, daß sie Fremdlinge unter uns seyn wollen; so hat man auch in dieser Sache auf genaue Billigkeit und gerechte Proportion eben nicht zu sehen. Es ist auch bey allen Völkern üblich, daß man die Fremdlinge, oder diejenigen Unterthanen, die eine ganz entgegen gesetzte Religion und Sitten haben, härter mit Abgaben belegt, als diejenigen, so das eigentliche Volk des Landes ausmachen.¹³⁸

Justi describes the Jews as a perpetually alien and foreign people, who only have themselves to blame for their unhappy situation. But what is it about Jewish beliefs and customs that prevents Jews from integrating? Justi answers this question in his discussion of Jewish commerce. He adopts a position which can only be understood in the context of European debates about commerce, so we shall briefly look at these next.

Justi on Jewish commerce

Beginning in the late seventeenth century, European thinkers became increasingly aware of the imperative need of modern nations to succeed in international trade.¹³⁹ In the post-Westphalian context, territorial ambitions were kept in check by a balance of power; each state was determined to counter the expansionist urges of its neighbours.¹⁴⁰ The maintenance of this balance required prudent domestic policies which aimed at the expansion of wealth, primarily through foreign trade. This led to the emergence of a new type of regime in which territorial states had become international commercial agents.¹⁴¹ Eighteenth-century political economists, including Justi, recognised that the political and economic spheres had never been so closely intertwined.¹⁴² The character of international relations had irreversibly changed, and was now chiefly defined in terms of commerce. As

¹³⁸ Justi, *Staatswirthschaft*, II, p. 288.

¹³⁹ Anna Plassart, *The Scottish Enlightenment and the French Revolution* (Cambridge: Cambridge University Press, 2015), pp. 34–40.

¹⁴⁰ On the balance of power in the eighteenth century, see Michael Sheehan, *The Balance of Power: History and Theory* (London: Routledge, 1996), pp. 98–102.

¹⁴¹ Istvan Hont, 'Free Trade and Economic Limits to National Politics: Neo-Machiavellian Political Economy Reconsidered', in *The Economic Limits to Modern Politics*, ed. by John Dunn (Cambridge: Cambridge University Press, 1990), pp. 41–120 (p. 42).

¹⁴² Adam, *Political Economy of J. H. G. Justi*, pp. 55–59.

Istvan Hont points out, the ‘jealousy of state’ had become reinforced by a ‘jealousy of trade’.¹⁴³

Efforts to expand commerce in the eighteenth century led to the first calls for the naturalisation of Jews in England. In *Reasons for Naturalizing the Jews* (1714), Toland argued that an influx of foreign Jews would lead to lower market prices and therefore an expansion of foreign trade. He insisted: ‘This one rule of More, and Better, and Cheaper, will ever carry the market against all expedients and devices’.¹⁴⁴ Liberal critiques of restrictionist economic policies proliferated during the 1750s. Proponents of the ‘Jew Bill’ argued that foreign-born Jews should be freed from all discriminatory measures which restricted their ability to engage in foreign trade.¹⁴⁵

French thinkers were also aware of the importance of Jewish commerce. In his article ‘Juif’ in the *Encyclopédie*, Louis de Jaucourt explained that Jewish commerce was deemed indispensable in several countries.¹⁴⁶ According to Jaucourt, it was this state of affairs which had led to Jews being treated with greater moderation across Europe:

Ainsi répandus de nos jours avec plus de sûreté qu’ils n’en avoient encore eu dans tous les pays de l’Europe où regne le commerce, ils sont devenus des instrumens par le moyen desquels les nations les plus éloignées peuvent converser & correspondre ensemble.¹⁴⁷

In contrast to Toland and Jaucourt, Justi is outspoken in his opposition to Jewish commerce. To understand why, we need to be aware of what John Shovlin has described as the emergence of a ‘patriot political economy’.¹⁴⁸ Shovlin argues that ‘the period from 1756 to 1763 saw the emergence of a new political economy in France, suffused with patriotic motifs’.¹⁴⁹ French thinkers began attacking the existing political-economic order, blaming it for what they perceived to be the decline of civic virtue.

¹⁴³ Istvan Hont, *Jealousy of Trade: International Competition and the Nation State in Historical Perspective* (Cambridge, MA: Harvard University Press, 2005) p. 6.

¹⁴⁴ Toland, *Reasons for Naturalizing the Jews*, p. 40.

¹⁴⁵ Endelman, *Jews in Georgian England*, pp. 24–25.

¹⁴⁶ Louis de Jaucourt, ‘Juif’, in *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*, 16 vols (Paris; Neufchastel, 1751–65), IX (1765), pp. 24–25.

¹⁴⁷ *Ibid.*, p. 25.

¹⁴⁸ John Shovlin, *The Political Economy of Virtue: Luxury, Patriotism and the Origins of the French Revolution* (Ithaca: Cornell University Press, 2006), pp. 49–79.

¹⁴⁹ *Ibid.*, p. 50.

At the centre of the controversy was a dispute between the Abbé Coyer and the Chevalier d'Arc.¹⁵⁰ In *La Noblesse Commerçante* (1756), Coyer argued that the *patrie* could be revived if all barriers to commerce were lifted, including those applying to the French nobility.¹⁵¹ In his view, allowing unrestricted trade was the only way France could successfully compete in the European market. The Chevalier d'Arc responded by insisting that the nobility was a crucial counterbalance to the growing merchant class.¹⁵² His pamphlet *La Noblesse Militaire* (1756) accused merchants of putting their own interests ahead of the interests of France, since they were willing to emigrate at any moment for the sake of a commercial enterprise abroad. He described them as 'hommes, qui savent tout entreprendre pour accroître l'opulence, le faste, le luxe de leur pays, & rien pour conserver sa liberté'.¹⁵³

Justi's critique of Jewish commerce appears to have been directly influenced by the language of 'patriot political economy' that emerged in France. Coyer and d'Arc's treatises were translated into German by Justi, who added his own reply.¹⁵⁴ Three months later, on 25 February 1757, Justi published *Ob die Juden einem Lande nützlich sind*, which contains his critique of Jewish commerce.

In his short essay on the Jews, Justi argues that commerce is far too important to be placed in the hands of foreign merchants. He describes foreign trade as a very tender affair which can only be conducted by merchants who have a love and affection for the country in which they reside.¹⁵⁵ He criticises the presence of foreign merchants in Portugal and Spain, whose governments for centuries had encouraged foreign communities to settle there in return for tax concessions and privileges.¹⁵⁶ The problem with foreign merchants,

¹⁵⁰ On the background of this dispute and the major points of contention, see Frank Sutcliffe, 'The Abbé Coyer and the Chevalier d'Arc', *Bulletin of the John Rylands University Library of Manchester*, 65 (1982–83), 235–45.

¹⁵¹ Abbé Coyer, *La Noblesse Commerçante* (London, 1756).

¹⁵² Chevalier d'Arc, *La noblesse militaire, opposée à la noblesse commerçante ou le patriote françois* (Amsterdam, 1756).

¹⁵³ *Ibid.*, p. 53.

¹⁵⁴ Johann Heinrich Gotthold von Justi, *Der handelnde Adel dem der kriegerische Adel entgegen gesetzt wird. Zwei Abhandlungen über die Frage: Ob es der Wohlfahrt des Staats gemäß sey, daß der Adel Kaufmannschaft treibe?* (Göttingen, 1756). On Justi's involvement in this debate, see Ulrich Adam, 'Nobility and Modern Monarchy – J. H. G. Justi and the French Debate on Commercial Nobility at the Beginning of the Seven Years War', *History of European Ideas*, 29 (2003), 141–57.

¹⁵⁵ Justi, 'Ob die Juden einem Lande nützlich sind', p. 66.

¹⁵⁶ On foreign traders in Spain and Portugal during the early modern period, see Ana Crespo Solana, 'A change of ideology in Imperial Spain? Spanish commercial policy with America and the change of

according to Justi, is that they take their capital and business with them when they leave a country. He claims that this general maxim has become even more relevant in the modern age, given the widespread availability of money-exchange operations (*Wechselgeschäfte*), which make it easy and affordable to transfer private wealth from one state to another.¹⁵⁷

Although Justi is critical of all foreign merchants, he is particularly wary of Jewish commerce. This is not because Justi considers Jews to be innately more treacherous than other people. Like Baumgarten, Justi argues that the Jews have been heavily conditioned by the hostile environment in which they have lived for so many centuries:

Ich halte es vor sehr unbillig, von einem ganzen Volke, von einem gesanten Stande oder Lebensarth unter denen Menschen, ein allgemeines nachtheiliges Urtheil zu fällen. So viele auch in einem Volke oder Stande, Leuthe anzutreffen seyn mögen, die ein solches Urtheil rechtfertigen; so giebt es gewiß allemal eben so viel ehrliche und rechtschaffene Leuthe darunter, die von demjenigen weit entfernt sind, was man sie so allgemein beschuldiget. Wenn man also denen Jüden allgemein den Wucher, die Betrügereyen, die Verheelung der Diebstähle und einen großen Haß wider die Christen beymißt; so hat diese allgemeine Beschuldigung sehr viel Unbilligkeit in sich.¹⁵⁸

Justi opposes Jewish commerce because he is concerned that the Jews, for religious reasons, are less patriotic than other people. According to Justi, Jews do not want to integrate into Christian society because they await the return of the Messiah who will lead them to Palestine. He argues that the Jews' desire to return to Palestine is so strong that they might easily be deceived by false messianic claimants. It is likely that Justi was thinking about the messianic fervour inspired by the false prophet Sabbatai Zevi when he wrote this passage. In the years 1665 to 1667, entire Jewish communities across Europe became followers of the Ottoman Jew Sabbatai Zevi who himself eventually converted to Islam.¹⁵⁹ Justi explains:

Wenigstens folget hieraus allemal so viel, daß sie niemals eine solche Verbindlichkeit, Eifer und Zuneigung gegen das Land haben, worinnen sie leben, als ein andrer Eingeborner. Dieses ist also eine Wahrheit, die man nicht in Zweifel

dynasty (1648–1740)', in *Ideology and Foreign Policy in Early Modern Europe (1650–1750)*, ed. by David Onnekink and Gijs Rommelse (London: Routledge, 2011), pp. 215–42.

¹⁵⁷ Justi, 'Ob die Juden einem Lande nützlich sind', p. 66.

¹⁵⁸ *Ibid.*, p. 63.

¹⁵⁹ Richard Henry Popkin, *The Third Force in Seventeenth-Century Thought* (Leiden: Brill, 1992), p. 232.

ziehen kann, wenn man auch die Billigkeit hat, auf ihren Haß gegen die Christen, den man ihnen vielleicht nicht unbegründet vorwirft, keinen Betracht zu machen. Folglich wird ein Jude allemal bereit seyn, das Land, worinnen er lebet, zu verlassen, wenn er einen anständigern Aufenthalt findet; und die Liebe zu seinem Vaterlande, diese Triebfeder edler, und dem Staate nützlicher Unternehmungen, wird er niemals unter die Bewegungsgründe seiner Handlungen rechnen.¹⁶⁰

Gershom Scholem has shown that Sabbatianism was indeed the expression of the abnormal situation of a pariah nation. However, Scholem argues that ‘social and religious factors were inextricably combined in the genesis of the messianic outbreak’.¹⁶¹ Poverty and a sense of insecurity contributed to the popular appeal of messianic claims in the early modern period. Justi did not consider the social aspects of this issue, which is why he concluded that religious principles alone prevented Jews from developing strong emotional ties to the countries in which they resided.

Michaelis raised the same argument in his critique of Dohm. Indeed, it is likely that Michaelis was aware of Justi’s thoughts on the subject. An early review of Justi’s essay was published in the *Göttingische Anzeigen von gelehrten Sachen*, a journal which Michaelis edited.¹⁶² Even Jewish thinkers recognised the force of this objection. In his reply to Michaelis, Moses Mendelssohn tried to minimise the role messianism played in Judaism. He pointed out that the Talmud prohibited Jews from even thinking about a return to Palestine before the occurrence of the miracles mentioned in the Bible: ‘Die gehoffte Rückkehr nach Palästina [...] hat auf unser bürgerliches Verhalten nicht den geringsten Einfluß’.¹⁶³

The outbreak of the Seven Years’ War may have also influenced Justi’s wariness of Jewish commerce. It is widely acknowledged that the Seven Years’ War unleashed a wave of xenophobia throughout Europe, and a rise in hostility towards minority groups.¹⁶⁴ It has also been credited with being a particular catalyst for the emergence of patriotic discourses

¹⁶⁰ Justi, ‘Ob die Juden einem Lande nützlich sind’, p. 65.

¹⁶¹ Gershom Scholem, *Sabbatai Sevi: The Mystical Messiah: 1626–1676* (London: Routledge & Kegan Paul, 1973), p. 462.

¹⁶² [Review of Justi], in *Göttingische Anzeigen von gelehrten Sachen* (Göttingen, 1757), pp. 313–14.

¹⁶³ Moses Mendelssohn, ‘Anmerkung zu des Ritters Michaelis Beurtheilung des ersten Theils von Dohm “Über die bürgerliche Verbesserung der Juden”’, in *Gesammelte Schriften*, Jubiläumsausgabe [hereafter cited as *JubA*], ed. by Ismar Elbogen, Julius Guttman, and Eugen Mittwoch et al. 24 vols (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1971–), III.2, (p. 43)

¹⁶⁴ David A. Bell, *The Cult of the Nation in France: Inventing Nationalism 1680–1800* (Cambridge, MA: Harvard University Press, 2001), p. 83.

throughout Europe.¹⁶⁵ Justi shows a concern that Jewish merchants might reveal trade routes to the enemy.

Der Jude ist ein Weltbürger. Er ist nie ein Bürger eines besondern Staats. Er wird also allemal bereit seyn die Geheimnisse der Commerciën und dem Vortheil des Staats seinem besondern Interesse aufzuopfern.¹⁶⁶

Justi states that there is a contradiction at the heart of most eighteenth-century legal codes pertaining to Jews. He argues that one should only permit Jews to engage in foreign trade if they own immobile property, which would bind them closer to the state: ‘Allein, in den meisten Staaten äußert man hierinnen ganz verkehrte Grundsätze. Man gestattet ihnen den Kaufhandel in der größten Erstreckung und verbiethet ihnen unbewegliche Güther zu besitzen’.¹⁶⁷

In several of the passages quoted above Justi mentions the concept *Vaterlandsliebe*. Along with ‘Patriot’ and ‘Nation’, this was one of the key concepts in what we now refer to as ‘enlightened patriotism’. Rudolf Vierhaus has shown that the concept of patriotism played a central role in public debates in Germany during the latter half of the eighteenth century.¹⁶⁸ The type of patriotism we are talking about bears little resemblance to the nationalism of the nineteenth century. It was chiefly defined as a political virtue. A patriot was someone who loved the country in which he lived, recognising that there was no higher duty than to advance the common good of society.

Justi was one of many cameralists who embraced the idea of a patriotic citizenry. Justi’s most important successor in the German cameralist tradition, Joseph von Sonnenfels, dedicated several works to the idea of *Vaterlandsliebe*. In one of these texts, *Ueber die Liebe des Vaterlandes* (1771), Sonnenfels expressed sympathy for the opponents of the Jewish Naturalisation Act of 1753. According to Sonnenfels, the English opposed Jewish naturalisation because they regarded England’s prosperity and welfare as their own special

¹⁶⁵ Teodora Shek Brnardic, ‘Modalities of Enlightened Monarchical Patriotism in the Mid-Eighteenth-Century Habsburg Monarchy’, in *Whose Love of Which Country? Composite States, National Histories, and Patriotic Discourses in Early Modern East Central Europe*, ed. by Balázs Trencsényi and Márton Zászkaliczky (Leiden: Brill, 2010), pp. 631–61 (p. 636).

¹⁶⁶ Justi, ‘Ob die Juden einem Lande nützlich sind’, p. 66.

¹⁶⁷ *Ibid.*, p. 66.

¹⁶⁸ Rudolf Vierhaus, ‘”Patriotismus” — Begriff und Realität einer moralisch-politischen Haltung’, in *Deutsche patriotische und gemeinnützige Gesellschaften*, ed. by Rudolf Vierhaus (Munich: Kraus International Publishers, 1980), pp. 9–31.

inheritance: ‘Die Erbstücke der wahren Söhne werden nothwendig kleiner, wenn Auswärtige zu einem Kindtheile gelassen werden’.¹⁶⁹

For the most part, however, eighteenth-century cameralists, including Sonnenfels and Justi, celebrated a kind of patriotism which did not necessarily preclude immigration or naturalisation. The key issue was not whether one was born in the country in which one resided, but whether one could love that country. Jews were disqualified from citizenship not because of where they were born, but because they were regarded as a nation of alien outsiders.

Justi’s proposals for reform

In *Staatswirthschaft*, Justi argues that the Jews bring no advantages to the state in their current condition. He states that the Jews are guilty of fraud, the sale of stolen goods, and usury.¹⁷⁰ Like Wolff, Justi opposes usury because he believes that excessive interest rates damage the credit system by making loans unaffordable.¹⁷¹ However, he firmly argues that Jews should not be blamed for their harmful activity; the fault lies with the oppressive conditions imposed on them by the state:

Allein es fragt sich, ob man nicht dieselben durch die Bedrückungen, die ihnen an vielen Orten widerfahren, und durch die Ausschließung von dem Ackerbau, Zünften und andern Nahrungsarten, selbst dazu veranlasset. Dieses unglückliche Volk verdienet in der That Mitleiden; und wenn man sie zu allen Nahrungsarten zulassen und anhalten würde, so würden sie einem Lande so nützlich als andere Unterthanen werden.¹⁷²

Evidently, the utilitarian rationale for toleration did not only serve as justification for limiting the Jews’ civil liberties. It could also be invoked to attack government policies which hindered Jewish integration. Justi’s proposal to remove the occupational restrictions against Jews was later adopted by Dohm.

¹⁶⁹ Joseph von Sonnenfels, *Ueber die Liebe des Vaterlandes* (Vienna, 1771), pp. 20–21.

¹⁷⁰ Justi, *Staatswirthschaft*, I, p. 129.

¹⁷¹ *Ibid.*, p. 244; Wolff, *Deutsche Politik*, § 334.

¹⁷² Justi, *Staatswirthschaft*, I, p. 129.

In *Ob die Juden einem Lande nützlich sind*, Justi continues his attack on government policy. He points out that many German states allow Jews to charge between 12% and 25% interest on loans.¹⁷³ According to Justi, Christians would charge similar rates of interest if laws had not been enacted to prevent them from doing so. The laws pertaining to Jews are not only hypocritical, they are also badly enforced. In Justi's opinion, the Jews are only engage in illegal activity because laws are not efficiently upheld: 'Warum solte der Jude nicht sowohl, als der Christe einsehen, wenn es sein nutzen erfordert, ein ehrlicher Mann zu seyn'.¹⁷⁴

Although Justi opposes Jewish commerce, he argues that the Jews can play a vital role in reviving manufacturing. According to Justi, the Jews are especially suited to manufacturing because of their frugal lifestyle. Thus, they will find ways of keeping costs down, which will help the state maintain a positive balance of trade. Justi recommends that Jews should be given ten years to establish themselves in manufacturing sectors. After ten years they should only be allowed to trade in goods which they themselves have produced. Justi was evidently very enthusiastic about this policy. If his proposals were introduced, he argues, the state could tolerate an unlimited number of Jews.¹⁷⁵ This might also provide the solution to the problem of Jewish commerce. Justi points out that Jews who own houses and factories would be much less likely to leave their homeland.

Justi's writings about the Jews are remarkable because they help us understand how calls for toleration in the eighteenth century turned into a dialogue about rights and privileges. The cameralists were perfectionists. From their perspective, religious toleration and immigration could only be desirable if legislators considered the terms of settlement. In a well-ordered police state, in which all legislative activity is aimed at increasing general happiness, the administration needs to have a fine-tuned political and institutional framework in order to maximise the benefits of toleration.

In accordance with Wolffian principles, Justi prioritised the welfare of Prussia's Christian population over that of the tolerated Jewish minority. The novelty of Justi's approach lay in his attempt to undermine the view that Jews and Gentiles were

¹⁷³ Justi, 'Ob die Juden einem Lande nützlich sind', p. 62.

¹⁷⁴ *Ibid.*, p. 62.

¹⁷⁵ *Ibid.*, p. 67.

automatically caught up in a zero-sum relationship. He believed that an improvement in the legal status of the Jews could reap benefits for the Jews and for the state.

Conclusion

Before the middle of the eighteenth century, the issue of religious toleration had been approached from a Christian perspective, which affirmed the right of Jews to live in Christian society but denied the legitimacy of social mobility. Now, religious arguments for toleration were voiced alongside pragmatic and utilitarian arguments inspired by the Wolffian worldview. For Baumgarten and Michaelis, the state was a secular institution. Unlike earlier thinkers, they supported the modernisation efforts of rulers like Frederick the Great, who tolerated Jews for the benefit of the public purse.

As we have seen, even those thinkers who supported such policies usually had an ambivalent attitude towards the Jews themselves. Jews were perceived as the ultimate foreigners due to their customs and religious beliefs. They shared this status with another persecuted minority: the Roma. Both groups were regarded as non-assimilable vagrants. It is not a coincidence that Prussian legislation prohibiting vagrancy often grouped Roma and Jews together. Take, for example, a Prussian decree issued in 1774 which targeted ‘Zigeuner, Bettel-Juden, Bettler und anderes herumlaufendes herrnloses Gesindel’.¹⁷⁶ Since the Jews were regarded as unassimilable foreigners, it was widely held that their interests had to be subordinated to the interests of the Christian majority. They could only be tolerated within the limits of the common good.

Nonetheless, the period I have examined saw the rise of a more positive attitude towards Jews. Eighteenth-century cameralists believed that Jews could become more useful to the state if they were better regulated. Implicitly, this formulation contained a moral dimension. Although Justi doubted that Jews were capable of patriotism, he denied

¹⁷⁶ ‘Erneuertes Edict wider die Zigeuner, Bettel-Juden, Bettler und anderes herumlaufendes herrnloses Gesindel in Ost-Friesland’ printed in *Novum Corpus Constitutionum Prussico-Brandenburgensium praecipue Marchicarum*, ed. by Christian Otto Mylius, 12 vols (Berlin, 1751–1810), V (1776), pp. 697–708.

claims of inherent Jewish difference and degeneracy. Similarly, Baumgarten advanced the idea that Christian oppression was responsible for the Jews' hatred of Christians. Both of these ideas would become more popular in the final decades of the eighteenth century and would feature prominently in the work of Dohm. Thus, the middle of the eighteenth century marks the beginning of a positive change in the relation between German and Jew.

CHAPTER THREE

Dohm's Humanitarian Enlightenment

The late eighteenth century witnessed widespread engagement with Enlightenment ideas promoting freedom and equality. There can be no doubt that this political and intellectual climate contributed to a change in attitudes towards the Jews in Prussia. For radical-minded enlighteners, the American Revolution served as 'an inspiration of ideas at work, theories put into practice'.¹ Although the principles of the American Revolution were especially celebrated in France and Holland, progressives in Germany also hopefully anticipated a new era of politics in Western Europe. Let us consider, for example, the words of Christian Wilhelm von Dohm, published in 1777:

Eine interessante Abänderung des itzigen politischen Systems scheint fast eine unvermeidliche Folge, deren Nähe oder Ferne von den verschiedenen Modifikationen des Ausgangs dieser großen Begebenheit abhängt. Dieser Ausgang kann der Handlung neue Wege bahnen, er kann neue Gattungen von Industrie hervorlocken, neue Verbindungen unter Nationen und Weltheilen knüpfen. Seine Folgen können noch weiter sich verbreiten. Es kann der Aufklärung größern Kreiß, der Denkart der Völker neue Kühnheit, neues Leben dem Freyheitsgeist geben.²

Even before the American War of Independence had concluded, equality of rights for Jews had become an important subject for political debate. The person responsible for initiating this debate was none other than Dohm. Dohm was the first thinker to present a comprehensive, systematic vision concerning the integration and moral regeneration of Jews in Europe. His proposed solution to the Jewish question — in *Über die bürgerliche Verbesserung der Juden* (1781) — was to immediately grant the Jews civil rights.

¹ Donald Meyer, *The Democratic Enlightenment* (New York: Capricorn, 1976), p. vii.

² Christian Wilhelm von Dohm, 'Einige der neuesten politischen Gerüchte', *Der Teutsche Merkur*, ed. by Christoph Martin Wieland, Jan. 1777 (Weimar, 1777), pp. 75–91 (p. 78).

In the existing literature, Dohm's humanitarian thinking remains understudied.³ It is often maintained that Dohm's emancipation proposals were developed in a 'framework of *raison d'état*'⁴ and were 'statist in character'.⁵ Jonathan Hess, for example, argues that Dohm did not have 'an intrinsic interest in Jews'.⁶ According to this line of argument, Dohm's book is 'less a defense of the rights of Jews to citizenship than an exercise in statecraft and social engineering'.⁷ In his summary of the current state of research, Wolf Christoph Seifert observes:

Nahezu einstimmig beschreibt die Forschung die Grundstruktur des Dohm'schen Emanzipationsplädoyers als Einbettung politischer Forderungen in ein vor allem am Wohl des Staats und der Gesellschaft orientiertes Reformprojekt.⁸

Dohm was indeed strongly influenced by the cameralist tradition, and advanced pragmatic arguments from the perspective of the state. Like several of his cameralist predecessors, Dohm believed that it was in the state's interest to ensure that Jews were transformed into productive members of society.⁹ In his opinion, this could only be achieved if Jews were granted civil rights. He thought that an improvement in the Jews' legal and social condition would result in the Jews' self-improvement.

However, to admit that Dohm was a 'classic cameralist, seeking to maximize the capacity of the state economy,'¹⁰ does not exclude the possibility that he was also genuinely

³ On Dohm's humanitarian values, see Robert Liberles, 'Dohm's Treatise on the Jews: A Defence of the Enlightenment', *Leo Baeck Institute Yearbook*, 33 (1988), 29–42; Gerda Heinrich, 'Preußische Beamte als Träger von Aufklärung: Dohm, Diez, Goßler und Schuckmann zur Judenfrage', in *Französische Kultur – Aufklärung in Preußen*, ed. by Martin Fontius and Jean Mondot (Berlin: Berlin Verlag Arno Spitz, 2001), pp. 101–09.

⁴ David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton: Princeton University Press, 2008), p. 197.

⁵ Paul Lawrence Rose, *Revolutionary Antisemitism in Germany from Kant to Wagner* (Princeton: Princeton University Press, 1990), p. 71.

⁶ Jonathan Hess, 'Rome, Jerusalem, and the Imperial Imagination: Christian Wilhelm Dohm and the Regeneration of the Jews', in *Monstrous Dreams of Reason: Body, Self and Other in the Enlightenment*, ed. by Laura J. Rosenthal and Mita Choudhury (Lewisburg: Bucknell University Press, 2002), pp. 132–150 (pp. 132–33).

⁷ *Ibid.*

⁸ Wolf Christoph Seifert, *Über die bürgerliche Verbesserung der Juden. Kritische und kommentierte Ausgabe: Kommentar* [Hereafter cited as *Kommentar*] (Göttingen: Wallstein, 2015), p. 16.

⁹ My references will be to the critical edition of Dohm's text, which includes the 1781 and the 1783 edition on the same pages: Christian Wilhelm von Dohm, *Über die bürgerliche Verbesserung der Juden. Kritische und kommentierte Ausgabe*, ed. by Wolf Christoph Seifert (Göttingen: Wallstein, 2015). Hereafter cited as *Verbesserung*, followed by [1781] or [1783] to indicate relevant edition.

¹⁰ David Penslar, *Shylock's Children: Economics and Jewish Identity in Modern Europe* (Berkeley: University of California Press, 2001), p. 27.

concerned for the plight and welfare of the Jews — and that he approached this issue from a humanitarian perspective.

Before we accuse Dohm of reducing the Jewish question to the basic principle of *raison d'état*, it is important to consider Dohm's motivation for intervening in the debate about the Jews. As Horst Möller reminds us, Dohm wanted his proposals to be translated into concrete political reform.¹¹ Therefore, he needed to produce arguments which resonated with Europe's monarchs and government officials, who were mainly concerned with the state's prosperity and security. Möller explains: 'Dohm wußte, für wen er schrieb: das ist seiner Argumentation auf jeder Seite anzumerken'.¹²

In the following discussion, I will argue that Dohm's emphasis on pragmatic and utilitarian arguments should not prevent us from recognising him as an Enlightenment thinker in his own right. Rudolf Vierhaus was undoubtedly correct to point out that Dohm was no expert on Judaism.¹³ Nonetheless, as I demonstrate in this chapter, he was well aware of what his contemporaries, and not only those in Germany, thought about Jews and Judaism.

In my view, the key to understanding Dohm's proposals lies in his use of the concept of *Menschenliebe*. This is a concept that has been all but forgotten by modern historians.¹⁴ Dohm wrote *Über die bürgerliche Verbesserung der Juden* with the intention of persuading Europe's enlighteners that the Jews were worthy objects of the Enlightenment's emancipatory mission. To accomplish this goal, I argue, he needed to refute the claim, common among his contemporaries, that the Jews were inherently misanthropic; that is to say, he had to show that Jews were capable of *Menschenliebe*.

This chapter begins by providing a broad history of the concept of *Menschenliebe*. I want to show that *Menschenliebe* was a key concept of the German Enlightenment. It

¹¹ Horst Möller, 'Aufklärung, Judenemanzipation und Staat: Ursprung und Wirkung von Dohms Schrift "Über die bürgerliche Verbesserung der Juden"', in *Deutsche Aufklärung und Judenemanzipation*, Beiheft 3 of *Jahrbuch des Instituts für deutsche Geschichte*, ed. by Wilhelm Grab (Tel Aviv: [n.pub.], 1980), pp. 119–49 (p. 119).

¹² *Ibid.*

¹³ Rudolf Vierhaus, 'Christian Wilhelm Dohm: Ein politischer Schriftsteller der deutschen Aufklärung', in *Begegnung von Deutschen und Juden in der Geistesgeschichte des 18. Jahrhunderts*, ed. by Jacob Katz and Karl Heinrich Rengstorf (Tübingen: Niemeyer, 1994), pp. 107–124 (p. 115).

¹⁴ For a brief discussion of the concept of neighbourly love as applied by sixteenth- and seventeenth-century German jurists, see Wilhelm Güde, *Die rechtliche Stellung der Juden in den Schriften deutscher Juristen des 16. und 17. Jahrhunderts* (Sigmaringen: Jan Thorbecke, 1981), pp. 27–30.

entailed a range of contradictory and overlapping meanings. I argue that we can speak of several different types of *Menschenliebe* during the eighteenth century. Supporters of Jewish equality of rights believed that *Menschenliebe* demanded an end to the state's unfair treatment of Jews. Their opponents countered that Jews were incapable of *Menschenliebe*, and therefore could not become full citizens.

In the second part, I examine the charge of Jewish misanthropy. I show that there were two different versions of this accusation: the French and the German. While French thinkers such as Voltaire emphasised continuity in Jewish history, German thinkers stressed rupture. This discussion paves the way for my interpretation of Dohm.

Agape

Since the times of ancient Greece, humans have explored and debated the nature of love. In the Greek language, we find several different concepts which are represented in the English language by the word 'love': (1) *eros*, the love of beauty and the desire to possess; (2) *philia*, the love of friendship; and (3) *agape*, disinterested neighbourly love, extended to all human beings.¹⁵ In Classical Greece, *agape* was used far less commonly than *eros* and *philia*, and meant little else than a fondness for doing good.¹⁶ The concept as we now know it first came to prominence in the New Testament, especially in the Letters of Paul. Even today, largely due to the classic study by the Lutheran theologian Anders Nygren, *agape* is generally considered to be a distinctly Christian idea.¹⁷

A detailed exploration of the New Testament concept of *agape* would take us beyond the scope of this discussion, which primarily aims at providing some insights into the emergence and development of the Enlightenment conception of *Menschenliebe*. I only wish to emphasise that the concept of *agape*, in its Christian context, has both a theological and an ethical dimension. Theologically, *agape* means the reciprocal love between God and man. Ethically, it means love of one's neighbour, which even extends to one's enemies.

¹⁵ On this subject, see Thomas Jay Oord, *Defining Love: A Philosophical, Scientific, and Theological Engagement* (Grand Rapids: Brazos Press, 2010), pp. 32–45.

¹⁶ Bernard V. Brady, *Christian Love* (Washington DC: Georgetown University Press, 2003), pp. 52–54.

¹⁷ Anders Nygren, *Eros and Agape*, trans. by Philip S. Watson (London: SPCK, 1953).

These dimensions cannot be separated from one another, since neighbourly love derives from, and is made possible by a love for God, who loves all human beings equally.¹⁸ For example, in 1 John 4:21 we read: ‘And this commandment have we from him, That he who loveth God love his brother also’.

Anders Nygren is surely correct to argue that the New Testament brought about a ‘revolution in ethical outlook without parallel in the history of ethics’.¹⁹ On this point, if not in many others, he is in firm agreement with Nietzsche.²⁰ The New Testament introduced a system of ethics which was neither individualistic nor eudemonistic, as in the case of the ancients, but was rather based upon ‘the entirely independent question of the “good-in-itself”’.²¹ Additionally, it created an ethics of love which was universal in its scope, unlike Judaism, which taught a form of love which was ‘exclusive and particularistic’.²²

Christian *agape* is an idea which has been analysed and discussed by some of the most influential thinkers in the western philosophical and theological tradition, including St. Augustine, Thomas Aquinas (1225–1274), and Martin Luther (1483–1546).²³ As we shall see, it also featured prominently in Enlightenment discourse, albeit in a modified form. It was Luther who coined the term *Nächstenliebe*, the German translation for *agape*.²⁴ Several recent studies have shown that Luther’s understanding of neighbourly love is integrally connected with his theology.²⁵ He saw it as the expression and consequence of true Christian faith, and envisioned the church as a congregation held together by this principle of social equality. As Ian Hunter points out:

Against the Catholic conception of the church as the unique corporate custodian of a true faith that could be enforced through canon law, Luther construed the church

¹⁸ Oda Wischmeyer, *Liebe als Agape: Das frühchristliche Konzept und der moderne Diskurs* (Tübingen: Mohr Siebeck, 2015), p. 16.

¹⁹ Nygren, *Eros and Agape*, p. 28

²⁰ I am referring to Nietzsche’s essay on the genealogy of morality.

²¹ Nygren, *Eros and Agape*, p. 45.

²² *Ibid.*, p. 63.

²³ For a comparison of these three thinkers’ ideas about love, see Irving Singer, *The Nature of Love: Plato to Luther*, 2nd edn (Cambridge, MA: MIT Press, 2009), pp. 312–42.

²⁴ Wischmeyer, *Liebe als Agape*, p. 7.

²⁵ Veli-Matti Kärkkäinen, ‘The Christian as Christ to the Neighbour’: On Luther’s Theology of Love’, *International Journal of Systematic Theology*, 2 (2004), 101–17 (p. 102).

as a community held together by faith alone and brotherly love exemplified by Christ.²⁶

The Lutheran emphasis on brotherly love is nowhere more apparent than in the writings and social activism of the Pietists.²⁷ In their calls for enhanced spirituality in the Lutheran churches, the Pietists insisted that they were implementing Luther's own vision for reform.²⁸ Theologians such as August Hermann Francke (1663–1727) were not content with merely talking about neighbourly love, they wanted to turn theory into practice.²⁹

By the end of the seventeenth century, several Pietist institutions had been founded with the aim of helping the poor and needy. Their most ambitious venture was the Halle Orphanage, founded during the 1690s, which involved almost 3000 students, teachers and staff.³⁰ Richard Gawthrop has argued that the activist strain in Pietism 'contributed decisively to the transformation of the Brandenburg-Prussian state'.³¹ It helped create an ethos connecting the idea of Christian love with the need for social welfare.

From Agape to *Menschenliebe*

The German Enlightenment was not, in principle, antagonistic towards Christianity. Indeed, it was consciously Christian, although it revolted against rigid religious institutions and theological dogma. In this respect, the German Enlightenment was a descendent of the Protestant Reformation. It should not therefore surprise us that a modified concept of *agape*

²⁶ Ian Hunter, *The Secularisation of the Confessional State: The Political Thought of Christian Thomasius* (Cambridge: Cambridge University Press, 2007), p. 116.

²⁷ For an introduction to Pietism, see Fred Ernest Stoeffler, *German Pietism during the Eighteenth Century* (Leiden: Brill, 1973). For a summary of Philipp Jakob Spener's views about neighbourly love, see Georg Gremels, *Die Ethik Philipp Jakob Speners nach seinen Evangelischen Lebenspflichten* (Münster: Lit, 2002), pp. 229–40.

²⁸ Hans J. Hillerbrand, 'The Legacy of Martin Luther', in *The Cambridge Companion to Martin Luther*, ed. by Donald K. McKim (Cambridge: Cambridge University Press, 2013), pp. 227–39 (p. 233).

²⁹ On the relationship between Francke's theology and his activism, see Gary Sattler, *God's Glory, Neighbor's Good: A Brief Introduction to the Life and Writings of August Hermann Francke* (Chicago: Covenant Press, 1982).

³⁰ Maria J. Bunge, 'Education and the Child in Eighteenth-Century German Pietism: Perspectives from the Work of A. H. Francke', in *The Child in Christian Thought*, ed. by Marcia J. Bunge (Grand Rapids: Eerdmans, 2001), pp. 247–78 (p. 248). For a general study of the orphanage and other Pietist institutions, see Kelly Joan Whitmer, *The Halle Orphanage as Scientific Community: Observation, Eclecticism, and Pietism in the Early Enlightenment* (Chicago: University of Chicago Press, 2015).

³¹ Richard L. Gawthrop, *Pietism and the Making of Eighteenth-Century Prussia* (Cambridge: Cambridge University Press, 1993), p. 120.

featured prominently in Enlightenment discourse. This is undoubtedly partly due to the influence of Pietism, which functioned as a bridge between the Enlightenment and Lutheran orthodoxy.³² For many Enlightenment thinkers, the Christian commandment of love was the all-important message of Christianity. In his brief dialogue *Das Testament Johannis* (1777), Gotthold Ephraim Lessing (1729–1781) imagined the final days of John the Apostle. As the apostle draws closer to death, his addresses to the congregation become shorter and shorter until they are finally reduced to the three words: ‘Kinderchen, liebt euch!’³³

For self-professed *Aufklärer*, the term of preference was not *Nächstenliebe*, but *Menschenliebe*. The word *Menschenliebe* first makes its appearance in the writings of the Lutheran theologian Johann Arndt (1555–1621), where it is used interchangeably with *Nächstenliebe*.³⁴ In the subsequent century, the word almost disappeared, except for a few mentions in Pietist theological texts. Only in the latter half of the eighteenth century was the concept of *Menschenliebe* adopted by the mainstream Enlightenment. Around 1770, Justus Möser pointed out that the newly popular *Menschenliebe* was a word which was completely unknown in his youth.³⁵

In the following discussion, I will show that the Enlightenment concept of *Menschenliebe* included a range of contradictory and overlapping meanings. To be more precise, we can speak of three distinct ‘ethics of *Menschenliebe*’ during the eighteenth century: (1) *Menschenliebe* as a Christian virtue; (2) *Menschenliebe* as a sentimental virtue; and (3) *Menschenliebe* as a civic virtue. As Reinhart Koselleck has shown, the period 1750–1850 experienced an accelerated change in the use of vocabulary: old words acquired new meanings, and new words were endowed with multiple meanings.³⁶ In his renowned formulation, Koselleck declared that concepts are not only indicators of, but also factors in

³² Martin Gierl, ‘Pietism, Enlightenment, Modernity’, in *A Companion to German Pietism*, ed. by Douglas H. Shantz (Leiden: Brill, 2015), pp. 348–92 (p. 351).

³³ Gotthold Ephraim Lessing, ‘Das Testament Johannis’, in *Sämtliche Schriften*, ed. by Karl Lachmann, 23 vols (Stuttgart: Göschen, 1886–1924), VIII (1892), pp. 9–17 (p. 16).

³⁴ Wolfgang Fleischauer, ‘Zur Geschichte des Wortes Menschenliebe’, *Monatshefte*, 67 (1965), 1–7 (p. 2).

³⁵ Justus Möser, *Patriotische Phantasien*, 4 vols (Berlin, 1774–78), II (1776), p. 290.

³⁶ Reinhart Koselleck, ‘Einleitung’, in *Geschichtliche Grundbegriffe: historisches Lexikon zur politischen-sozialen Sprache in Deutschland*, ed. by Otto Brunner, Werner Conze and Reinhart Koselleck, 8 vols. (Stuttgart, 1972–97), I (1772), pp. xiii–xxvii (p. xiv).

social change.³⁷ One of my principal contentions in this chapter is that the concept of *Menschenliebe* was used as a weapon in the political battlefield over the Jews.

The few *begriffsgeschichtliche* studies which have explored the concept of *Menschenliebe* conclude that it emerged as a secular alternative to *Nächstenliebe*, and essentially filled a gap in the secular vocabulary of the age.³⁸ Dagobert de Levie has written: ‘Nur selten [...] findet man das Wort Menschenliebe in christlicher Beleuchtung oder im Zusammenhang mit der christlichen Religion’.³⁹

This is a claim which cannot be substantiated. German *Aufklärer* were well aware of the Christian origin and dimension of the idea. Christian *Menschenliebe* is a major theme amongst the group of thinkers now known as the Enlightenment Philanthropists, which included Christian Fürchtegott Gellert (1715–1769) and Johann Bernard Basedow (1724–1790).⁴⁰ These education reformers believed that Christian theology and moral philosophy supported each another. They maintained that the goal of moral education was to teach people that self-love was not only compatible with altruistic behaviour, but inevitably intertwined. Love and kindness — and by implication, religious toleration — should be extended to all human beings, since all human beings are citizens in the great city of God.⁴¹ Gellert wrote:

Die Menschenliebe ist eigentlich nichts als das aufrichtige und kräftige Verlangen, die Wohlfahrt aller vernünftigen Geschöpfe der Erde nach unsern Kräften zu befördern, weil sie mit uns einerley göttlichen Ursprung haben, und mit uns ein Gegenstand der allgemeinen Liebe des Schöpfers sind.⁴²

It is clear, then, that *Menschenliebe* could be used as a synonym for *Nächstenliebe*, in which case it was seen to be a virtue inspired by the Christian worldview. In his

³⁷ Ibid.

³⁸ Dagobert de Levie, ‘Zum Begriff und Wort “Menschenliebe”’, *Monatshefte*, 55 (1963), 301–311 (p. 307); Fleischauer, ‘Zur Geschichte des Wortes Menschenliebe’, p. 4.

³⁹ Dagobert de Levie, *Christian Wolff und der Begriff der Menschenliebe. Festvortrag 10 Jahre Austauschprogramm* (Krefeld: Scherpe, 1972), p. 55.

⁴⁰ For a useful introduction to the Philanthropists, see Jürgen Overhoff, *Die Frühgeschichte des Philanthropismus (1715–1771)* (Tübingen: Niemeyer, 2004).

⁴¹ For example, Johann Bernard Basedow, *Practische Philosophie für alle Stände*, 2nd edn, 2 vols (Dessau, 1777), I: p. 101. See also Joachim Heinrich Campe, *Versuch eines Leitfadens beim christlichen Religionsunterrichte für die sorgfältiger gebildete Jugend*, 3rd edn (Braunschweig, 1793), pp. 13–14.

⁴² Christian Fürchtegott Gellert, *Moralische Vorlesungen. Moralische Charaktere*, ed. by Sibylle Späth (Berlin: de Gruyter, 1992), p. 221.

Methodischer Unterricht der Jugend in der Religion und Sittenlehre der Vernunft (1764), Basedow stated that no religion placed more emphasis on the importance of *Menschenliebe* than Christianity.⁴³ Thus, although the Philanthropists were vocal supporters of religious toleration, there can be no doubt where their own allegiances lay. They deemed the Christian religion to be uniquely compatible with Enlightenment thinking. Of course, they shared this outlook with the vast majority of their contemporaries. Johann Gottfried Herder (1744–1803) emphasised the connection between *Menschenliebe* and Christianity in a sermon titled *Menschenliebe als die Erfüllung des Gesetzes des Christenthums*.⁴⁴

A second ethics of *Menschenliebe* can be found in the writings of the sentimental humanists. As Michael L. Frazier reminds us, the sentimentalist Enlightenment remains relatively understudied in comparison to the rationalist Enlightenment.⁴⁵ This might explain why the concept of *Menschenliebe* has not received the scholarly attention it deserves. In Germany, sentimentalism (*Empfindsamkeit*) became prominent during the mid-eighteenth century. Although it is sometimes treated as a secularised form of Pietism, most commentators argue that it chiefly emerged under the influence of the British moral sense theorists going back to Shaftesbury.⁴⁶ In its original form, German sentimentalism was concerned with the refinement of feeling and virtue.⁴⁷ In opposition to the egoistic naturalism of thinkers such as Hobbes and Mandeville, sentimentalists argued that human sympathy — the innately human reaction to the suffering of others — was the original source of altruistic sociability.

Moses Mendelssohn was one of the earliest thinkers to argue that *Menschenliebe* was made possible by the natural human inclination to sympathy. In *Briefe über die Empfindungen* (1755), Mendelssohn painted a scene of an angry rabble roused to sympathy and *Menschenliebe*, after witnessing their fellow man suffering:

⁴³ Johann Bernard Basedow, *Methodischer Unterricht der Jugend in der Religion und Sittenlehre der Vernunft* (Altona, 1764), p. 116.

⁴⁴ Johann Gottfried Herder, 'Menschenliebe als die Erfüllung des Gesetzes des Christenthums', in *Sämtliche Werke*, ed. by Bernhard Suphan, 33 vols (Berlin: Weidmann, 1877–1913), XXXII (1899), pp. 402–17.

⁴⁵ Michael L. Frazier, *The Enlightenment of Sympathy: Justice and the Moral Sentiments in the Eighteenth Century and Today* (Oxford: Oxford University Press, 2010), p. 5.

⁴⁶ Gerhard Sauder, *Empfindsamkeit: Voraussetzungen und Elemente* (Stuttgart: Metzler, 1974), pp. 73–85.

⁴⁷ Eric A. Blackall, *The Emergence of German as a Literary Language: 1700–1775* (Cambridge: Cambridge University Press, 1959), p. 405.

Sehet jene Menge, die sich um einen Verurteilten in dichten Haufen dränget. Sie haben alle Greuel vernommen, die der Lasterhafte begangen; sie haben seinen Wandel und vielleicht ihn selbst verabscheuet. Itzt schleppt man ihn entstellt und ohnmächtig auf das blutende Schaugerüste. Man arbeitet sich durch das Gewühl, man stellt sich auf die Zehen, man klettert die Dächer hinan, um die Züge des Todes sein Gesicht entstellen zu sehen. Sein Urteil ist gesprochen; sein Henker nahet sich ihm; ein Augenblick wird sein Schicksal entscheiden. Wie sehnlich wünschen jetzt aller Herzen, daß ihm verziehen würde! Ihm? Dem Gegenstande ihres Abscheues, den sie einen Augenblick vorher selbst zum Tode verurteilt haben würden? Wodurch wird itzt ein Strahl der Menschenliebe wiederum bei ihnen rege? Ist es nicht die Annäherung der Strafe, der Anblick der entsetzlichsten physikalischen Übel, die uns sogar mit einem Ruchlosen gleichsam aussöhnen und ihm unsere Liebe erwerben?⁴⁸

A similar opinion was held by Lessing, who had intensively studied Adam Smith's *Theory of Moral Sentiments* (1759).⁴⁹ Lessing believed that the purpose of theater should be to arouse sympathy and compassion in the audience. In his *Hamburgische Dramaturgie* (1767–69) he argued that this dramatic approach would contribute to the revival of *Menschenliebe* in society.⁵⁰

Most humanist sentimentalists did not explicitly deny that Christianity encouraged *Menschenliebe*. They simply maintained that it was an entirely natural sentiment, deeply rooted in human nature. Later in this chapter I shall argue that Dohm's essay on the Jews was strongly influenced by the German sentimental tradition.

Jews as beneficiaries of *Menschenliebe*

I have so far discussed two types of 'ethics of *Menschenliebe*' prevalent during the Enlightenment: *Menschenliebe* as a Christian virtue; and *Menschenliebe* as a sentimental virtue. Both are concerned with the good-in-itself; and can therefore be described as

⁴⁸ Moses Mendelssohn, 'Briefe über die Empfindungen', in *JubA*, I: 43–123 (p. 68).

⁴⁹ On Lessing and Adam Smith, see Katherine Harloe, 'Sympathy, Tragedy, and the Morality of Sentiment in Lessing's *Laocoon*', in *Rethinking Lessing's Laocoon: Antiquity, Enlightenment, and the 'Limits' of Painting and Poetry*, ed. by Avi Lifschitz and Michael Squire (Oxford: Oxford University Press, 2017), pp. 157–77.

⁵⁰ Gotthold Ephraim Lessing, 'Hamburgische Dramaturgie', in *Sämtliche Schriften*, X (1894), pp. 100–02. On this subject see Wolfgang Schadewaldt, 'Furcht und Mitleid? Zur Deutung des Aristotelischen Tragödiensatzes', *Hermes*, 83 (1955), 129–71 (p. 134).

intrinsic virtues. They differ only in their claims concerning what makes ethical behaviour possible. It is my contention that the Enlightenment concern for intrinsic *Menschenliebe* is one of the main reasons why the Jewish question became a mainstream concern of eighteenth-century German intellectuals. The concept contained the promise of emancipation, since it demanded that all human beings should be treated with unconditional love. As Johann Friedrich Mayer emphatically put it: ‘Die Juden bleiben unsere Mitmenschen, die, Anspruch auf unsre Liebe zu machen, das Recht haben’.⁵¹

Indeed, eighteenth-century thinkers regularly invoked the concept of *Menschenliebe* in their denunciations of oppression. Georg Simon Klügel described the *Menschenfreund* as someone who championed the freedom of enslaved peoples.⁵² Johann Christoph Schwab denounced slavery as a practice which contradicted the ideal of *Menschenliebe*.⁵³ Emperor Joseph II gave *Menschenliebe* as his reason for abolishing serfdom.⁵⁴

Each of the thinkers I mentioned above explicitly or implicitly connected the idea of *Menschenliebe* with a concern for the Jews. Philipp Jakob Spener (1635–1705), the founder of pietism, was amongst the earliest thinkers to demand that Christian rulers include the Jews in their neighbourly love.⁵⁵ Christian Fürchtegott Gellert wrote the first philosemitic text in Germany, *Leben der schwedischen Gräfin von G**** (1747/48).⁵⁶ Johann Bernard Basedow wanted Jews to be able to participate in his reformist school — the Philanthropinum — and was a vocal supporter of Jewish rights.⁵⁷

The earliest calls for Jewish equality of rights in German-speaking lands also came from champions of *Menschenliebe*. The discussion was brought to the table by an anonymous writer, presumably Johann Moritz Schwager, in *Der Teutsche Merkur* (1777).⁵⁸ Schwager had been inspired to call attention to the matter of Jewish rights after

⁵¹ Johann Friedrich Mayer, ‘Eine Anklage der Juden, wann sie das, was sie jetzt sind, bleiben; Eine Bitte aber für sie sich zum Besten der Staaten in gute Bürger verwandeln und umschaffen’, in *Vierte Fortsetzung der Beyträge und Abhandlungen zur Aufnahme der Land- und Hauswirthschaft* (Frankfurt a.M., 1774), pp. 239–98 (p. 262).

⁵² Georg Simon Klügel, *Encyclopädie oder zusammenhängender Vortrag der gemeinnützigsten Kenntnisse*, 6 vols (Berlin, 1782–86), II (1782), pp. 720.

⁵³ Johann Christoph Schwab, *Ueber die Aufklärung unsers Jahrhunderts* (Stuttgart, 1785), p. 18.

⁵⁴ Adolph Kohut, *Kaiser Joseph II.* (Dresden, 1890), p. 66.

⁵⁵ Philipp Jakob Spener, *Theologische Bedenken*, 3rd edn, 4 vols (Halle, 1715), IV, pp. 88–89.

⁵⁶ On the idea of *Menschenliebe* in Gellert’s book, see Overhoff, *Philanthropismus*, pp. 68–70.

⁵⁷ Basedow, *Practische Philosophie*, II, pp. 362–63.

⁵⁸ [Johann Moritz Schwager], ‘Gedanken über das Schicksal der Juden’, *Teutsche Merkur*, July 1775 (Weimar, 1775), 213–20. This text has only recently been attributed to Johann Moritz Schwager; see Anne Conrad, ‘Neuerscheinungen zu Werk und Briefen des “westfälischen Aufklärers” Johann Moritz

reading a text published some years earlier denouncing European slavery in Africa.⁵⁹ He argued that Jews were in a similar position to the African slaves because they had been denied their basic humanity, and lived in extreme unhappiness.⁶⁰ His text accused Christians of hating Jews for their peculiar customs and language. He pointed out that this attitude contradicted Christian principles: ‘Mich dünkt immer, wenn ich diese Unglücklichen erblicke, das Gott sie unter uns geworfen habe, um unsern Glauben durch ein herrliches Werk der Barmherzigkeit zu prüfen’.⁶¹

Similar arguments can be found in Joseph Friedrich von Keppler’s forgotten pamphlet *Man gebe den Juden diejenigen Freyheiten, die ihnen vermöge der Rechte der Menschheit zu kommen* (1781).⁶² This text was published shortly before Dohm’s own emancipation proposals. It is therefore surprising that scholars have all but overlooked it.⁶³ Anticipating Dohm, Keppler connects the idea of *Menschenliebe* to religious toleration and equality of rights:

Unsere Religion befiehlt uns Liebe, und Menschlichkeit für unsre Freunde, und Feinde, wer kann also zweifeln, daß wir diejenigen dulden müssen, die wir zu lieben verpflichtet sind? Die Vernunft überzeugt uns von dieser Wahrheit. Die Menschheit hat ihre Rechte welche ihr zu kommen, und diese Rechte, die niemand vergeben kann, bleiben auch im Stande der Gesellschaft heilig, so lang wir uns derselben nicht durch ein Verbrechen verlustig gemacht haben.⁶⁴

Keppler’s argument is simple. The Jews should be loved as fellow human beings and must therefore be granted the same political rights as Christians. Only if they break the law can their rights be revoked, and even then, only on an individual basis.⁶⁵ Keppler’s intention is to reveal the contradictions and inconsistencies within the Enlightenment

Schwager’, in *Emotionen, Wissen und Aufklärung. Gefühlskulturen im Großbritannien des 18. Jahrhunderts*, ed. by Birget Neumann and Barbara Schmidt-Haberkamp, *Das Achtzehnte Jahrhundert*, 39/2 (Wolfenbüttel: Wallstein, 2015), pp. 238–40.

⁵⁹ He is referring to Jacques-Henri Bernardin de Saint-Pierre’s anonymously published *Voyage à l’Île de France, à l’île Bourbon et au cap de Bonne-Espérance* (1773).

⁶⁰ Schwager, ‘Gedanken’, pp. 213–14.

⁶¹ *Ibid.*, p. 219.

⁶² Joseph Friedrich von Keppler, *Man gebe den Juden diejenigen Freyheiten, die ihnen vermöge der Rechte der Menschheit zu kommen, und sie werden seyn, wie sie seyn sollen* (Vienna, 1781).

⁶³ A short summary of the text is provided in Jiří Kuděla, ‘Zeitgenössische Reaktionen auf die josephinische Toleranz der Juden in Böhmen und Mähren. Prager und Wiener Diskussion über die Toleranz der Juden zwischen 1781 und 1782’, in *Judaica Bohemiae XXXII* (Prague: Židovské muzeum, 1997), pp. 115–44 (pp. 124–26).

⁶⁴ Keppler, *Man gebe den Juden*, p. 9.

⁶⁵ *Ibid.*, p. 11.

worldview. He accuses his opponents — those opposing the toleration of Jews — of being enemies of mankind (*Menschenfeinde*):

Verläugnet euren Gott, und eure Religion; verfolgt eure Gegner; vergönnet ihnen keine bleibende Stätte; machet daß sie kein Land aufnehmen, machet, daß die ganze Welt sich wider sie verschwöre. Ihr werdet euren Hass sättigen, sie werden bald vor Hunger, und Elend sterben, und ihr werdet euch rühmen können, eurem falschen Religionseifer dieses Opfer geschlachtet zu haben.⁶⁶

By deliberately presenting themselves as champions of *Menschenliebe*, supporters of Jewish emancipation simultaneously portrayed themselves as the true representatives of the Enlightenment. So strong was the Enlightenment concern for *Menschenliebe* that the Christian mystic Karl von Eckhartshausen once declared: ‘Was also zur allgemeinen Menschenliebe führt, führt zur Aufklärung; was von der allgemeinen Menschenliebe entfernt, entfernt von der Aufklärung’.⁶⁷

Menschenliebe as a civic virtue

How could the opponents of Jewish equality of rights respond to such a challenge? It is my contention that a third ethics of *Menschenliebe* emerged over the course of the eighteenth century. *Menschenliebe* came to be viewed as a civic virtue, i.e. as a requirement for citizenship. A good citizen was held to be someone who had a love for humanity, which in practice meant showing a concern for one’s immediate neighbours within society. From this angle, *Menschenliebe* is not an *intrinsic* virtue, since it is not concerned with the good-in-itself. Instead, it is an *extrinsic* virtue, which aims at the attainment of a higher, utilitarian good: the common good.

The notion of an extrinsic *Menschenliebe* can be traced back to the natural law theorist Christian Thomasius (1655–1728). In his *Einleitung zu der Sitten-Lehre* (1692), Thomasius tried to show that man’s innate sociability, alongside his capacity for rational calculation, made it possible to produce a utilitarian ethics based on universally shared reasonable love

⁶⁶ *Ibid.*, p. 41.

⁶⁷ Karl von Eckartshausen, *Ueber Religion, Freydenkerey und Aufklärung* (Augsburg, 1789), p. 12.

(*Vernünfftige Liebe*).⁶⁸ He believed that moral philosophy ‘ist nichts anders als eine Lehre, die den Menschen unterweiset, worinnen seine wahre und höchste Glückseeligkeit bestehe’.⁶⁹ For Thomasius, happiness can only be attained within human society. Thus, human beings need to sacrifice their self-love for a reasonable love, in order to align the individual and the common will. As Werner Schneiders points out: ‘Das Glück ist für die Moralphilosophie des 17. Jahrhunderts nicht nur ein subjektives Telos des einzelnen, sondern auch das objektive Telos aller Menschen’.⁷⁰

Similar conceptions of *Menschenliebe* can be found in the works of Christian Wolff, and also Wolff’s leading disciple and interpreter Johann Christoph Gottsched (1700–1766).⁷¹ Whereas Thomasius and Wolff only talked about a reasonable love for other human beings, Gottsched explicitly used the term *Menschenliebe* to describe this type of love for humanity.⁷² After discussing the utilitarian dimension to the concept of *Menschenliebe*, Gottsched explained that *Menschenliebe* was demanded by the law of nature, i.e. reason.⁷³

Dagobert de Levie has argued that the natural law conception of *Menschenliebe* helped introduce a spirit of religious toleration in the Enlightenment.⁷⁴ I think this claim needs to be qualified. Natural law thinkers such as Wolff and Thomasius recognised that their theories ultimately implied a universal society encompassing the entire of humankind. On the other hand, they were also aware that, historically speaking, civil society was the highest, and perhaps the only possible form of social organisation. Knud Haakonssen has aptly described this dualism between ideal and reality in the natural law tradition:

Objectively speaking, there is always one right way of acting; in conflicts, one party or the other is in the right. However, in fact, each individual person or specific society is subject to historical contingency, arising from ignorance and passion. So we have a familiar dualism of social relations that are ‘necessary’ according to

⁶⁸ Christian Thomasius, *Von der Kunst vernünfftig und Tugendhafft zu lieben als dem einzigen Mittel zu einem glückseeligen, galanten und vergnügten Leben zu gelangen: Oder Einleitung zur Sitten-Lehre*, 4th edn (Halle, 1706).

⁶⁹ *Ibid.*, p. 57.

⁷⁰ Werner Schneiders, *Naturrecht und Liebesethik: Zur Geschichte der praktischen Philosophie im Hinblick auf Christian Thomasius* (Hildesheim: Georg Olms, 1971), p. 155.

⁷¹ Levie, *Christian Wolff und der Begriff der Menschenliebe*, pp. 51–52.

⁷² Johann Christoph Gottsched, *Erste Gründe der gesamten Weltweisheit*, 2 vols (Leipzig, 1733), II, pp. 424–38.

⁷³ *Ibid.*, p. 425.

⁷⁴ Levie, *Christian Wolff und der Begriff der Menschenliebe*, p. 52.

natural law, and the actual contracts that individuals have entered into, wisely or not, but creating the historical societies where natural law now has to be honoured.⁷⁵

In theory, natural law demands that *Menschenliebe* is extended to all members of humanity, since everyone is a citizen within the universal commonwealth of humanity. In practice, however, happiness and perfection can only be achieved within civil society. Our altruism must first and foremost be directed towards our fellow members of society. In *Einleitung zur Sitten-Lehre*, Thomasius associated *Menschenliebe* with a willingness to risk one's life for the fatherland.⁷⁶ Indeed, scholars have long been aware that Thomasius was primarily interested in the practical implications of his philosophy.⁷⁷ He fully recognised that reasonable love was not the same as the Christian idea of *agape*, and even said that reasonable love was not as perfect (*vollkommen*) as Christian love.⁷⁸

In the latter half of the eighteenth century the idea of reasonable *Menschenliebe* was loosened from its original, natural law context. It increasingly came to be regarded as a crucial component of civic virtue, and implicitly even as a prerequisite for citizenship.

Die Menschenliebe ist, in Ansehung der übrigen gesellschaftlichen Tugenden, das, was bey einer Schilderey die erste Grundfarbe ist, womit ein Mahler ein Tuch bedeckt, bevor er darauf zeichnet. Es ist eine glatte Tafel, worauf die unterschiedenen Arten von Liebe, von Verbindungen und Freundschaften entworfen sind. Wer keine Menschenliebe hat, wird ein böser Vater, ein böser Ehemann, *ein böser Burger seyn*, und wird beweisen, daß er auch Gott nicht liebt. [My emphasis]⁷⁹

Most eighteenth-century thinkers were not concerned by the fact that *Menschenliebe* could at once be regarded as both an intrinsic and an extrinsic virtue. Christian Gotthilf Salzmann declared: 'Menschenliebe predigt Christus, Menschenliebe predigt die Vernunft'.⁸⁰ Similarly, Georg Simon Klügel wrote: 'Das Gesetz der Menschenliebe

⁷⁵ Knud Haakonssen, 'Early Modern Natural Law Theories', in *The Cambridge Companion to Natural Law Jurisprudence*, ed. by George Duke and Robert P. George (Cambridge: Cambridge University Press, 2017), pp. 76–102 (p. 93).

⁷⁶ Thomasius, *Einleitung*, p. 40.

⁷⁷ Frederick M. Barnard, 'The "Practical Philosophy" of Christian Thomasius', *Journal of the History of Ideas*, 32 (1971), 221–46.

⁷⁸ Thomasius, *Einleitung*, Dedication.

⁷⁹ *Der Christ am Sonntage: Eine moralische Wochenschrift...erster Theil* (Frankfurt a.M., 1770), pp. 601–02.

⁸⁰ Christian Gotthilf Salzmann, *Gottesverehrungen, gehalten im Betsale des Dessauischen Philanthropins* (Frankfurt a.M., 1784), p. 189.

begreift eines Theils das Gesetz der Billigkeit schon in sich, erstreckt sich aber noch weiter, nämlich auf die Beförderung des gemeinen Wohls'.⁸¹

In fact, the Enlightenment concept of *Menschenliebe* contains a series of interwoven yet antagonistic notions. In *Der Christ am Sonntage* (1770) we are told: 'Ein Christ ist der beste Mensch: der redlichste Freund: der brauchbarste Mitbürger, und im Umgange mit andern ein Menschenfreund'.⁸² This statement interweaves two of the above-mentioned ethics of *Menschenliebe*: (1) the notion that *Menschenliebe* is a virtue made possible by the Christian worldview; and (2) the view that *Menschenliebe* is an essential element of civic consciousness. The underlying assumption is that Christians are more capable of *Menschenliebe* than members of other religious groups, and that they are therefore better equipped with the virtues needed to be good citizens.

In their calls for rational universalism, the pioneers of the German Enlightenment 'continued to work within a frame of reference that was largely conditioned by theological orthodoxies'.⁸³ Lurking behind the dream of universal tolerance and common humanity were principles which were inspired by Christianity, and thus served to exclude non-Christians. It is my contention that the Enlightenment vision of *Menschenliebe* as an essential element of moral consciousness and good citizenship would prove to be a barrier to Jewish emancipation; for, as we shall see in the next section, Jews have historically been portrayed as misanthropic, which meant that they represented the moral and intellectual antithesis of the Enlightenment:

Eine Religion, die mir den Menschenhaß, die mir Feindschaft und Bitterkeit des Herzens empföhle — eine Religion, die mir die Wärme meiner Empfindung für Freundschaft und Brüderlichkeit rauben wollte — das wäre meine Religion nicht. Sie zerstörte in mir den süßesten, seligsten Theil meiner menschlichen Empfindung: sie raubte mir die empfindsamen Regungen, durch die ich allein mein menschliches Loos, und meine Wohnung auf Erden unter Menschen als süß, als vollkommen fühlen kann: sie würde mich zum unmenschlichen Menschen, zum fühllosen Geschöpf, zum Unmenschen machen wollen.⁸⁴

⁸¹ Georg Simon Klügel, *Encyklopädie*, II, 720.

⁸² *Der Christ am Sonntage*, p. 100.

⁸³ Adam Sutcliffe, 'Judaism and the Politics of Enlightenment', *American Behavioral Scientist*, 49 (2006), 702–15 (p. 705).

⁸⁴ Herder, 'Menschenliebe als die Erfüllung des Gesetzes des Christenthums', p. 402.

The charge of Jewish misanthropy

The charge of Jewish misanthropy goes back as far as antiquity and is often used as an explanation for Jewish separatism.⁸⁵ During the eighteenth century, Jewish misanthropy was the subject of a discussion which spread across Europe, with important contributions from England, France and Germany. It is my contention that there were two major conflicting ideas about the origins and nature of Jewish misanthropy, both of which, as we shall see, featured prominently during the debates on Jewish emancipation prompted by Dohm.

In France and England, the charge of Jewish misanthropy was frequently levelled by thinkers critical of organised religion in general, notably Voltaire (1694–1778). Although Voltaire — France’s foremost champion of religious toleration — staunchly opposed the persecution of Jews, his attitude towards them was nevertheless hostile. As Peter Gay has convincingly argued, Voltaire’s preoccupation with Judaism can partly be explained by his desire to undermine Christianity, which he saw as the child of Judaism.⁸⁶ In Voltaire’s view, the Bible is not an accurate account of sacred history, but rather a historical testimony to humanity’s superstitious and barbaric past. By pointing out the absurdities and contradictions he found there, Voltaire hoped to undermine the idea that the Bible, and by implication Christianity, could serve as the foundation for religiosity and morality in the modern age.

Voltaire’s most indignant criticisms of the Old Testament concern its alleged immorality.⁸⁷ He deemed the Jewish God to be a hateful one, and the ancient Hebrews a superstitious and barbaric people. He was particularly appalled by the violence depicted in Jewish scripture. In *Dictionnaire philosophique* (1764) Voltaire singled out the conquest of Canaan as the most extreme example of Jewish fanaticism. He declared sarcastically:

⁸⁵ On the charge of Jewish misanthropy during antiquity, see Peter Schäfer, *Judeophobia: Attitudes Toward the Jews in the Ancient World* (Cambridge, MA: Harvard University Press 1997).

⁸⁶ Peter Gay, *Voltaire’s Politics* (Princeton: Princeton University Press, 1959), p. 353.

⁸⁷ Graham Gargett, ‘Voltaire and the Bible’, in *The Cambridge Companion to Voltaire*, ed. by Nicholas Cronk (Cambridge: Cambridge University Press, 2009), pp. 193–204 (p. 199).

‘On demande aussi quel droit des étrangers tels que les Juifs avaient sur le pays de Chanaan: on répond qu’ils avaient celui que Dieu leur donnait’.⁸⁸

Voltaire links the Canaan massacre to the birth of Jewish misanthropy. He argues that it was because of the hostility they faced from neighbouring nations in the aftermath of the massacre that Jews came to regard all non-Jews as their enemies. Voltaire is clearly implying that the ancient Hebrews themselves were to blame for their moral corruption; he denies that the Hebrews’ hatred of other nations was due to their hostility towards idolatrous practices.⁸⁹

Voltaire attempted to write an alternative history of the Jews — one which served to undermine the biblical narrative. Voltaire’s admirers have often used this argument to defend Voltaire against the charge of antisemitism. Lionel B. Steinman has observed:

Generations of French students have been taught that Voltaire’s hostility towards Judaism was only a stratagem to attack the Church, and that his hostility was not directed against Jewish people.⁹⁰

The problem with this defence is that Voltaire often talked about his Jewish contemporaries in much the same way as he spoke about their biblical ancestors. Arthur Hertzberg famously asserted that Voltaire believed Jewish moral corruption to be a consequence of the Jews’ innate character.⁹¹ Although we need to be cautious of accusing Voltaire of being a forerunner of racial antisemitism — Voltaire did not use modern racial categories to describe Jewish particularism — it is certainly true that he often talked about the Jews’ hatred of gentiles as if it were a deeply rooted, possibly unchanging element in their culture, psychology and religion.

In *Dictionnaire philosophique* (1764), for example, Voltaire declared that Jews should not be persecuted *despite* their violent hatred of all the nations which tolerated them.⁹² Elsewhere he wrote:

⁸⁸ Voltaire, *Dictionnaire philosophique*, in *Œuvres complètes de Voltaire*, ed. by Louis Moland, 52 vols (Paris: Granier, 1876–85), XIX (1879), p. 514.

⁸⁹ *Ibid.*, p. 520.

⁹⁰ Lionel B. Steinman, *Paths to Genocide: Antisemitism in Western History* (Basingstoke: Palgrave, 1998), p. 104.

⁹¹ Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1968), p. 307.

⁹² Voltaire, *Dictionnaire philosophique*, p. 521.

Ils sont tous nés avec la rage du fanatisme dans le cœur, comme les Bretons et les Germains naissent avec des cheveux blonds. Je ne serais point étonné que cette nation ne fût un jour funeste au genre humain.⁹³

The point I want to stress is that Voltaire found modern Jews guilty of the same charges as their biblical ancestors. He emphasised continuity — rather than rupture — in Jewish history. This is an attitude he shared with other notable *philosophes*, such as Baron d’Holbach, as well as several prominent English deists, such as Matthew Tindal.⁹⁴

In Germany, the charge of Jewish misanthropy was formulated differently. German thinkers also accused their Jewish contemporaries of harbouring a violent hatred towards non-Jews and especially Christians. However, they did not believe that Jewish misanthropy was born during biblical times. If we want to understand how German thinkers approached the matter, then we must once again consider the role Christian religiosity played in the German Enlightenment.

German biblical criticism was primarily shaped by the fear that religion might not survive its conflict with reason.⁹⁵ Thus, it developed in response to the French and English experiences. As Michael Carhart points out: ‘Criticism was not the same as skepticism. In fact, it was an antidote for religious skepticism and historical pyrrhonism’.⁹⁶ The historical-critical method was adopted with the intention of uncovering a purer form of Christianity. Almost without exception, German Bible critics defended the traditional Christian conception of salvation history. Thus, they emphasised the unity of the revelation found in the Old and New Testaments. The Jewish God could not be a hateful God, since the Jewish God and the Christian God were one and the same.

⁹³ Voltaire, *Lettres de Memmius à Cicéron*, in *Œuvres complètes*, XXVIII (1879), pp. 43–63 (p. 44).

⁹⁴ See, for example, Matthew Tindal, *Christianity as old as the Creation: Or the Gospel, a Republication of the Religion of Nature* (London, 1730), pp. 97–98; [Paul-Henri Thiry, Baron d’Holbach], *L’ esprit du Judaïsme: Ou Examen Raisonné de la Loi de Moïse, et de son Influence sur la Religion Chrétienne* (London, 1770). *L’ esprit du Judaïsme* was published anonymously and is sometimes incorrectly attributed to Anthony Collins.

⁹⁵ Jonathan Sheehan, *The Enlightenment Bible: Translation, Scholarship, Culture* (Princeton: Princeton University Press, 2005), p. 88.

⁹⁶ Michael C. Carhart, *The Science of Culture in Germany* (Cambridge, MA: Harvard University Press, 2007), p. 5.

Eighteenth-century German authors cast the ancient Hebrews in an extremely positive light.⁹⁷ Biblical Jews were praised for their politics, their philosophical innovations, and their literary abilities.⁹⁸ The most influential historical treatment of the ancient Hebrews was Johann David Michaelis' *Mosaisches Recht* (1771–75). Michaelis wanted to study the Mosaic era through the anthropological lens provided by Montesquieu. He argued that Old Testament law was uniquely appropriate for the time and circumstances in which it was promulgated, when one considered climate and geography, as well as the morals and culture of the ancient Hebrews. In Michaelis' view, Moses was a skilled lawgiver who placed the ancient Hebrews onto the path of civilisation.⁹⁹

As Ofri Ilany has shown, the difference between the German experience, on the one hand, and the English and French experiences, on the other, can most clearly be seen in their differing interpretations of the extermination of the Canaanites.¹⁰⁰ French and English philosophers believed that the cruelty of the ancient Hebrews could not be justified by any means. They often drew parallels between the Israelites' invasion of Canaan and the Spanish conquest of the Americas.¹⁰¹ In contrast, German thinkers held the conquest of Canaan to be defensible. Many accepted the traditional theological arguments which centred on the Canaanites' idolatry and vices. Others sought non-religious arguments to justify the conquest. Michaelis, for example, argued that the Israelites had legal and historical claims to the land.¹⁰²

The point I want to stress is that the German *Aufklärer* took great pains to defend the ancient Hebrews against the charge of misanthropy. Whatever the Israelites did, they did in the name of God, civilisation, and humanity. That is not to say that German rationalists were oblivious to the fact that the Old Testament contained episodes which apparently

⁹⁷ On the historical and anthropological studies of the ancient Hebrews by German *Aufklärer*, see the first chapter of Ofri Ilany's unpublished dissertation: 'In search of the Hebrew People: Bible Research in the German Enlightenment 1752–1810' (Unpublished doctoral thesis, Tel Aviv University, 2012).

⁹⁸ On Hebrew poetry, see Johann Gottfried Herder, *Vom Geist der Ebräischen Poesie*, 2 vols (Dessau, 1782–83). On Hebrew philosophy, see Friedrich Andreas Walther, *Geschichte der Weltweisheit der alten Hebräer*, 2 vols (Göttingen, 1750–51).

⁹⁹ Jonathan Hess, *Germans, Jews and the Claims of Modernity* (New Haven: Yale University Press, 2002), pp. 61–62.

¹⁰⁰ Ofri Ilany, 'From Divine Commandment to Political Act: The Eighteenth-Century Polemic on the Extermination of the Canaanites', *Journal of the History of Ideas*, 73 (2012), 437–61.

¹⁰¹ *Ibid.*, pp. 443–45.

¹⁰² Johann David Michaelis, 'Die herumziehenden Hirten in dem alten Palästina', *Göttingische Gelehrte Anzeigen*, 140 (1756), pp. 1265–71 (pp. 65–68).

seemed to contradict Enlightenment principles of morality and reason. When it was not possible to explain away the seeming barbarity of a given episode in the Old Testament, they chose to emphasise the limits of human reason. For example, let us glance at Johann Georg Hagemann's vindication of Moses:

Alles, was er vorträgt, verherrlicht Gottes Weisheit, Macht, Güte und Gerechtigkeit, und ist nichts der Vernunft zuwider. Findet sich ja in seinen Schriften etwas Dunkles und Schweres, daraus wir uns nicht so gleich auswickeln können, das liegt nicht an seiner Schrift, sondern an uns, die wir oft die Natur und Verstand der Wörter, noch alle Umstände, noch alle Alterthümer, noch die Gewonheiten der Völker, noch Sprichwörter, noch die Masuren der Zeiten und dergleichen nicht verstehen.¹⁰³

Whereas French and English deists perceived important lines of continuity between the ancient Hebrews and their modern descendants, German thinkers emphasised rupture. They held Jewish misanthropy to be an essential feature of post-biblical Judaism. In the anti-Jewish polemics written in response to Dohm, there was one book which was quoted more often than any other: Johann Andreas Eisenmenger's *Entdecktes Judenthum* (1700). If we want to understand how German intellectuals treated the problem of Jewish misanthropy, then this is the text we need to begin with.

Eisenmenger's *Entdecktes Judenthum*

Entdecktes Judenthum is a book written against the Jews in defence of Christianity.¹⁰⁴ Eisenmenger had been inspired to write it after three Christians allegedly converted to Judaism in 1681. For nineteen years he studied amongst rabbis, under the pretence of converting to Judaism. During this time, he became an expert in Jewish literature. His stated aim was to reveal the secrets contained in the traditions of rabbinical Judaism. The

¹⁰³ Johann Georg Hagemann, *Historische Nachricht von den canonischen und apocryphischen Schriften des alten und neuen Testaments* (Braunschweig, 1748), pp. 297–98.

¹⁰⁴ On Eisenmenger's defence of Christianity, see Friedrich Niewöhner, 'Entdecktes Judenthum und jüdische Augen=Gläser: Johann Andreas Eisenmenger', in *DenkWelten um 1700: zehn intellektuelle Profile*, ed. by Richard van Dülmen and Sina Rauschenbach (Cologne: Böhlau, 2002), pp. 167–180.

result of his laborious efforts was a text which revived, and added further credibility to, the assumptions of medieval Christian anti-Judaism.

Modern historians cannot fail to remark upon the erudition of Eisenmenger's research.¹⁰⁵ *Entdecktes Judenthum* extends to over 2,000 pages, and contains quotations from more than 200 Jewish sources in Hebrew, Aramaic and Arabic. Each of these quotations is presented in full and translated literally into German. However, as Jakob Katz has shown, for all of his meticulous research, Eisenmenger presents an account of Judaism which is far removed from the reality of the religious world of early modern Jews. In short, Eisenmenger refused to read Jewish sources as a Jew would have read them. He insisted upon their literal, rather than their metaphorical or allegorical, meanings. Additionally, he ignored the complex relationship of rabbinic teaching to Scripture, and overlooked the interpretation history of Jewish sources.¹⁰⁶

Eisenmenger's *Entdecktes Judenthum* is a difficult book to summarise, not only because of its substantial length and density but also because one cannot discern in it a sustained argument.¹⁰⁷ It reads as a web of assertions, grouped together according to various themes. In the second chapter, for example, entitled 'Von den schmähhlichen Nahmen / welche die Juden Christo geben', Eisenmenger lists the different ways in which Jews supposedly insult Christ.¹⁰⁸ Amongst the many quotations and passages of exposition, however, Eisenmenger inserts his own venomous remarks and analysis, which reveal his deep-seated aversion towards Jews and Judaism. It is clear what message Eisenmenger wants to convey; he wants to show that hatred is the motivating principle of the Jewish religion.

Importantly, Eisenmenger's polemic against the Jews is not aimed at the Jews of the Old Testament. In line with Christian tradition, he treats the Hebrew Bible as Christian scripture. His readers are reminded that Moses spoke of Christ's coming, and explicitly warned what the consequences would be if the Jews disobeyed God's word: they would be

¹⁰⁵ Jacob Katz, *From Prejudice to Destruction: Anti-Semitism, 1700–1933* (Cambridge, MA: Harvard University Press, 1980), p. 14.

¹⁰⁶ *Ibid.*, pp. 15–18.

¹⁰⁷ This is probably why Jacob Katz's analysis remains the only serious attempt to grapple with the issues raised in *Entdecktes Judenthum*.

¹⁰⁸ Johann Andreas Eisenmenger, *Entdecktes Judenthum*, 2 vols (Königsberg, 1711), I, pp. 61–148.

cursed, blinded and their hearts would harden.¹⁰⁹ For Eisenmenger, Jewish misanthropy was born after the coming of Christ.¹¹⁰ The Jews hated Christ because he abandoned the Jewish faith and set up a new religion in its place.¹¹¹ This hatred became rooted in their hearts and was passed on from generation to generation until the present day. According to Eisenmenger, all Jews everywhere — past and present — are collectively responsible for Christ's death.

Eisenmenger's attack on the Talmud, and other Jewish traditions, such as Kabbalah, derives from his conviction that Rabbinic Judaism shares no meaningful relationship with the Judaism of the Old Testament. When he quotes the Old Testament, it is usually only to show how Jews distort its meaning. Rabbinic Judaism is portrayed as the embodiment of Jewish hatred, and the vehicle through which this hatred is transmitted. At the root of Rabbinic Judaism is the Devil himself, who uses it as a tool to prevent Jews from finding salvation in Christianity, whilst also leading Christians into error and sin.¹¹² By casting the Jews as the Devil's people, Eisenmenger stands firmly within the tradition of medieval anti-Judaism.¹¹³

Eisenmenger is not interested in Jewish theology *per se*. He only shows interest in Jewish beliefs insofar as they threaten to undermine Christian theology or provoke Jewish hatred towards Christians. For example, Eisenmenger attempts to show that Jews justify their hatred towards non-Jews by appealing to the concept of chosenness.¹¹⁴ According to Eisenmenger, Jews believe that they alone have souls created in holiness. Since the human essence resides in the soul rather than the body, only the Jews are entitled to be called human beings. The other peoples of the world, who have souls which stem from the Devil, should be treated like cattle.¹¹⁵ Eisenmenger argues that Moses wanted his people to remain separate from other nations because Jews are inherently superior. This is why he told his followers not to share their beds with cattle, by which he meant non-Jewish women.¹¹⁶

¹⁰⁹ Ibid., p. 2

¹¹⁰ Ibid., p. 63

¹¹¹ Ibid., p. 96

¹¹² Ibid., p. 149.

¹¹³ On this subject, see Joshua Trachtenberg, *The Devil and the Jews: The Medieval Conceptions of the Jew and its Relation to Modern Antisemitism* (New Haven: Yale University Press, 1943).

¹¹⁴ Eisenmenger, *Endecktes Judenthum*, I, pp. 558–630.

¹¹⁵ Ibid., p. 594.

¹¹⁶ Ibid., p. 596.

Christians are especially deserving of Jewish hatred, since they stem from Isaac's twin brother Esau, and are responsible for the downfall of the Jewish people.¹¹⁷ It is the Jews' mission to take vengeance on the Christians, and the time will come when the children of Esau, i.e. Christians, are exterminated.¹¹⁸

In Eisenmenger's view, the Jews do in fact recognise basic principles of morality, such as the commandment 'Love thy neighbour'. However, due to their hatred of non-Jews, they adopt a restrictive interpretation of such moral commandments, applying them only to their Jewish neighbours: 'Durch ihren Nechsten aber verstehen sie nur denjenigen / welcher ihrer Religion zugethan ist'.¹¹⁹

It is undeniable that Kabbalistic literature — such as the Zohar, which Eisenmenger quotes abundantly — places strong emphasis on the distinction between the exalted Jew and the impure non-Jew.¹²⁰ Even today, the concept of chosenness is troubling for many Jews because it seems to blatantly contradict universalist moral principles.¹²¹ However, if there is a grain of truth in Eisenmenger's analysis — that traditional Jewish texts contain a dualistic system of ethics¹²² — it is lost among his distortions, misrepresentations and embellishments. Notably, Eisenmenger does not mention Maimonides in his chapter on Jewish misanthropy. Doing so would have undermined his argument, since Maimonides believed that non-Jews were also created in the image of God and were also capable of attaining salvation.¹²³

Eisenmenger concludes that Jews are not only permitted to deceive, rob, and kill non-Jews, but that they are actively encouraged to do so, and that they celebrate these

¹¹⁷ Ibid., p. 603. On the oft-cited biblical imagery of the rivalry between Jacob and Esau, and its relevance to Christian-Jewish relations, see Anna Sapir Abulafia, *Christian-Jewish Relations, 1000–1300: Jews in the service of medieval Christendom* (London: Routledge, 2011), pp. 3–4.

¹¹⁸ Ibid., p. 604.

¹¹⁹ Eisenmenger, *Entdecktes Judenthum*, II, p. 578

¹²⁰ Ron E. Hassner and Gideon Aran, 'Religion and Violence in the Jewish Traditions', in *The Oxford Handbook of Religion and Violence*, ed. by Mark Juergensmeyer (Oxford: Oxford University Press, 2013), pp. 78–99 (p. 91).

¹²¹ See the collection of arguments found in *Jewish Philosophy Past and Present: Contemporary Responses to Classical Sources*, ed. by Daniel Frank and Aaron Segal (New York: Routledge, 2017), pp. 186–202.

¹²² On ethical dualism in Judaism, see Jacob Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages*, trans. by Bernard Cooperman (New York: Syracuse University Press, 2000), p. 32.

¹²³ On Maimonides' rational universalism, see David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws*, (New York: Edwin Mellen Press, 1983), pp. 275–304

misdeeds.¹²⁴ For many of these assertions, Eisenmenger does not quote traditional Jewish texts, but rather books by Jewish converts to Christianity.¹²⁵ Eisenmenger even tries to find evidence to revive the long-discredited charge of Jewish ritual murder.¹²⁶ He is forced to admit that not many cases of ritual murder have taken place in recent history. However, he is convinced that it is only because Jews fear punishment that they refrain from such activity, since their hatred of Christians is just as great now as it ever has been.¹²⁷

The philanthropic Jew

At first glance, it might appear that Eisenmenger's book would hold very little appeal for the rationalist-orientated German Enlightenment. However, as I have already pointed out, Eisenmenger talks less about Judaism as a religion, or Jewish theology, than he does about the Jews as a people. *Entdecktes Judenthum* is a book about the roots and manifestations of Jewish hatred towards Christians. At the risk of anachronism, it is a book about the Jewish psyche. Perhaps this is why *Entdecktes Judenthum* remained an influential source book for anti-Semites until well into the nineteenth century.¹²⁸ It is also why Christian Wilhelm von Dohm felt the need to address and refute its claims directly. After all, if the Jewish hatred of non-Jews was as fierce as Eisenmenger suggested, then Jews could never be admitted as full members of society.

Before turning to Dohm's contribution to the debate on Jewish misanthropy, I shall make some observations about the philosemitic literature of the eighteenth century. Beginning with Gellert's *Leben der schwedischen Gräfin von G**** (1747/48), the eighteenth century witnessed the publication of numerous literary works which portrayed Jews in a positive light. In these texts, the Jewish characters were not constructed as God's

¹²⁴ See chapters 3 and 11 of *Entdecktes Judenthum*.

¹²⁵ On Eisenmenger's ambivalent relationship towards Jewish converts, see Elisheva Carlebach, *Divided Souls: Converts from Judaism in Germany, 1500–1750* (New Haven: Yale University Press, 2001), pp. 213–21.

¹²⁶ Eisenmenger, *Entdecktes Judenthum*, II, p. 216–24. On this subject, see R. Po-Chia Hsia, *The Myth of Ritual Murder: Jews and Magic in Reformation Germany* (New Haven: Yale University Press, 1988), pp. 216–17.

¹²⁷ *Ibid.*, pp. 224–25.

¹²⁸ See, for example, August Rohling's notoriously anti-Semitic *Der Talmudjude* (Münster, 1871).

chosen people; rather, they were depicted as moral individuals who embodied the values of the Enlightenment. By providing a counterbalance to the overwhelmingly hostile depictions of Jews, authors such as Gellert and Lessing attempted to ‘resolve the conflict between anti-Jewish prejudice and the imperative of toleration’.¹²⁹

Space does not permit me to examine this body of literature in detail. However, I will highlight an issue which existing scholarship has overlooked: that eighteenth-century philosemitic literature consciously inverted the stereotype that Jews were misanthropic, whilst also challenging the notion that *Menschenliebe* was something only made possible by the Christian worldview. After Lessing’s noble Jewish traveller saves the Baron from his wicked servants, he declares: ‘Die allgemeine Menschenliebe verband mich darzu!’¹³⁰ In a similar manner, Gellert’s Polish Jew is praised by the narrator — the countess — for his numerous acts of *Menschenliebe* in Siberia, where he rescued her husband from captivity.¹³¹

Several commentators have pointed out that the philosemitism of Gellert and Lessing is limited by the fact that their noble Jewish characters are presented as atypical, i.e. as an exception to the rule.¹³² This is true, but an argument which needs to be qualified. Gellert and Lessing both advanced very specific claims about the nature of Jewish moral corruption, and therefore also made very specific claims about the nature of antisemitic prejudice. As we have already seen, for someone such as Eisenmenger, hatred was an essential component of the post-biblical Jewish religion, and therefore an unchanging feature of the Jewish mind set. Gellert and Lessing both undermined this point of view merely by depicting their characters as capable of *Menschenliebe*. Indeed, Gellert’s narrator explicitly states that Jewish misanthropy is most likely caused by Christian mistreatment.

¹²⁹ Ritchie Robertson, *The ‘Jewish Question’ in German Literature, 1749–1939. Emancipation and its Discontents* (Oxford: Oxford University Press, 1999), p. 33. See also Wolfgang Martens, ‘Zur Figur eines edlen Juden im Aufklärungsroman vor Gotthold Ephraim Lessing’, *Der Deutschunterricht*, 36 (1984), iv, 48–58.

¹³⁰ Gotthold Ephraim Lessing, *Die Juden*, in *Sämtliche Schriften*, I (1886), pp. 373–411 (p. 377).

¹³¹ Christian Fürchtgott Gellert, *Leben der schwedischen Gräfin von G**** (Stuttgart: Reclam, 1968), pp. 112–13.

¹³² See, for example, Ritchie Robertson, “‘Dies Hohe Lied der Duldung’? The Ambiguities of Toleration in Lessing’s “Die Juden and Nathan der Weise””, *Modern Language Review*, 93 (1998), 106–20 (pp. 109–11).

Vielleicht würden viele von diesem Volke beßre Herzen haben, wenn wir sie nicht durch Verachtung und listige Gewalttätigkeiten noch mehr niederträchtig und betrügerisch in ihren Handlungen machten und sie nicht oft durch unsere Aufführung nötigten, unsere Religion zu hassen.¹³³

Lessing and Gellert did not provide a strategy for a general emancipation of the Jews. Nevertheless, they anticipated the Dohmian argument insofar as they opted for an environmental explanation for Jewish misanthropy, while also affirming that it could be overcome. As we are about to see, they also shared with Dohm the opinion that *Menschenliebe* was a sentimental virtue, and thus a natural human inclination.

Dohm on *Menschenliebe*

Menschenliebe is a prominent theme in Dohm's work. This is something modern commentators have failed to recognise. Although Dohm never stated so explicitly, he believed that the dictates of *Menschenliebe* demanded an improvement in the Jews' social and moral condition. At the very least, they demanded an investigation into whether the Jews' social and moral condition could be improved. Paraphrasing Dohm, in his review of *Über die bürgerliche Verbesserung*, Michaelis wrote: 'Diese moralische Verbesserung eines ganzen Volks, das unter uns wohnt, würde Güte und Menschenliebe seyn'.¹³⁴ Even Dohm's fiercest critics admitted that Dohm's book was written entirely in the spirit of the humanitarian Enlightenment. Anton Friedrich Büsching began his critical review of Dohm's work by praising Dohm for his erudition and *Menschenliebe*.¹³⁵

More importantly, Dohm was concerned with the theme of *Menschenliebe* because he wanted to persuade his contemporaries that Jews were capable of social and moral improvement. This meant he needed to address one of the most widespread prejudices of his day: the notion that Jews were inherently misanthropic and hostile towards other peoples. If this assumption were true, then the Jews would indeed represent the moral and

¹³³ Gellert, *Leben*, pp. 114–15.

¹³⁴ Johann David Michaelis, 'Hr. Ritter Michaelis Beurtheilung: Über die bürgerliche Verbesserung der Juden von Christian Wilhelm Dohm', in *Verbesserung* [1783], pp. 137–54 (p. 137).

¹³⁵ Anton Friedrich Büsching, [review of Dohm], in Anton Friedrich Büsching, *Wöchentliche Nachrichten von neuen Landcharten*, vol. 9 (1781), pp. 299–302 (p.299).

intellectual antithesis of the Enlightenment. They would not be eligible candidates for the Enlightenment's emancipatory mission, since they would present a threat to the Enlightenment's aims and values.

Dohm first mentions the concept of *Menschenliebe* in the opening section of *Über die bürgerliche Verbesserung*, following his discussion of the cameralist population theory. Dohm identifies a fundamental inconsistency in state policy: in spite of their zealous efforts to expand their populations, European states refuse to draw upon the productive potential of their Jewish inhabitants, and deny them basic political rights.¹³⁶ Instead, they seek to attract foreign colonists, who are usually poor and have no loyalty to the country in which they decide to settle.¹³⁷ In Dohm's opinion, such a policy can only be justified if it is proven that the Jews are incapable of fulfilling the social and moral obligations of citizenship:

Es müßte deutlich bewiesen werden, daß die Religion der Juden solche ungesellige Grundsätze enthalte, daß ihre göttliche Gebote mit den Geboten der Gerechtigkeit und Menschenliebe im Widerspruch stehen, wenn es vor den Augen der Vernunft gerechtfertigt werden sollte, daß man dem Juden die Rechte des Bürgers ganz versagt, und nur unvollkommen der des Menschen ihn geniessen läßt.¹³⁸

Although Dohm does not elaborate on his idea of human rights, perhaps for fear of the Prussian censor, he clearly believes that there are certain fundamental rights to which every person is entitled simply because he is human.¹³⁹ He provides one example of such a right: the freedom of worship.¹⁴⁰ While Dohm stops short of describing natural rights as inalienable, he insists that Jews can only have their natural rights legitimately restricted if their religious beliefs render them incapable of acting according to the principles of *Menschenliebe* and justice. If that were the case, then the state would indeed be obliged to maintain exclusionary policies to prevent Jews from violating the natural rights of non-Jews.¹⁴¹

¹³⁶ Dohm, *Verbesserung* [1781], p. 11–13.

¹³⁷ *Ibid.*, pp. 50–51.

¹³⁸ *Ibid.*, p. 15.

¹³⁹ On Dohm's concerns about the Prussian censor, see Ilseget Dambacher, *Christian Wilhelm von Dohm: Ein Beitrag zur Geschichte des preußischen aufgeklärten Beamtentums und seine Reformbestrebungen am Ausgang des 18. Jahrhunderts* (Frankfurt a.M.: Peter Lang, 1974), pp. 175–76.

¹⁴⁰ Dohm, *Verbesserung* [1781], p. 19.

¹⁴¹ *Ibid.*, p. 15.

Dohm makes several comments which indicate that he took the human rights argument seriously. In the second edition of *Über die bürgerliche Verbesserung*, Dohm mentions Holland and England as the only two modern states which protect the human rights of Jewish people.¹⁴² He describes the 1753 campaign to naturalise the Jews in England as a humanitarian undertaking.¹⁴³ Dohm viewed his own project in a similar same way. In his response to an anonymous letter published in *Schlözers Briefwechsel* (1782), Dohm explains: ‘Mein Zweck war keine Apologie der itzigen Juden, aber wol der in ihnen gekränkten Rechte der Menschheit’.¹⁴⁴

Dohm insists that Jews can be excluded from civil society only if their religious beliefs render them incapable of meeting the demands of citizenship. It should be observed that Dohm does not actually deny the claim that the Jews harbour feelings of hatred and resentment towards Christians, and that these feelings are a cause for the Jews’ dishonest and immoral actions. Indeed, as we have just seen, Dohm insists that his work is not intended as an apology for the Jews as they exist in their current condition: ‘Ich kann es zugeben, daß die Juden sittlich verdorbner seyn mögen, als andere Nationen’.¹⁴⁵

It is because of such statements that some modern commentators have accused Dohm of antisemitism.¹⁴⁶ Such criticisms fail to consider the complexity of Dohm’s position. As we shall see, his rhetorical strategy is to use the assumptions of his opponents to argue against them. His aim is to show that the Jewish moral character is, although not good, improvable. Since the Jews are capable of *Menschenliebe*, they can and must be brought back into the fold of common humanity.

Dohm’s entire argument rests upon an assumption derived from Enlightenment empirical psychology. He assumes that human nature is malleable. As John B. Bury observed, it was this assumption which underpinned the Enlightenment’s optimism about the general progress of mankind. It became accepted belief that ‘social evils were due neither to innate and incorrigible disabilities of the human being nor to the nature of things,

¹⁴² Dohm, *Verbesserung* [1783], p. 42.

¹⁴³ *Ibid.*, p. 43.

¹⁴⁴ Christian Wilhelm Dohm, ‘Über die Juden Toleranz. Antwort’, in *Schlözers Briefwechsel*, ed. by August Ludwig Schlözer, vol. 10 (1782), 279–83. Reprinted in Wolf Christoph Seifert, *Kommentar*, pp. 286–88 (p. 286).

¹⁴⁵ Dohm, *Verbesserung* [1781], p. 24.

¹⁴⁶ Daniel Jonah Goldhagen, *Hitler’s Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997), pp. 56–57.

but simply to ignorance and prejudices'.¹⁴⁷ Dohm's optimism about the improvability of human beings can be seen from his insistence that he is not willing to consider the possibility of an innately corrupt moral character: 'Ich gestehe, daß ich mir von einer durchaus unverbesserlichen Menschen-Race keinen Begriff machen kann; sie scheint mir ein Widerspruch wider alle Psychologie, wider alle Geschichte und Erfahrung'.¹⁴⁸

Dohm's basic assumption is that Jews are no different from other human beings, except that they have always lived in oppressed conditions. This is a conclusion he had reached several years earlier, in his article *Probe einer kurzen Characteristick einiger der berühmtesten Völker Asiens* (1774).¹⁴⁹ This text, which many Dohm scholars seem to be unaware of, is noteworthy because it contains Dohm's earliest published thoughts about the Jews. As in *Über die bürgerliche Verbesserung*, Dohm admits that the majority of Jews feel hatred towards other nations. Nonetheless, he refuses to accept that misanthropy is a fixed feature of the Jews' character:

Der Haß und die Verachtung anderer Nationen, die gewiß bey dem großen Haufen der Hebräer sehr stark sind, ist vielleicht nicht sowohl ihrem Character als der Lage anzurechnen, in der sie sich befinden. Denn welcher Unterdrückte haßt nicht seinen Unterdrücker, oder tröstet sich mit Verachtung desselben, wenn er kann? Diese Lage hat vielleicht dem hebräischen Character noch mehr Züge eingedrückt, welche die Voltaires für Nationalbosheit ausgeben.¹⁵⁰

That Voltaire and Dohm held contrary opinions about the Jews is well known. This passage is remarkable because it shows that Dohm's ideas about the Jews' moral corruption took shape in conscious opposition to those of Voltaire. What Voltaire viewed to be the Jews' innate character, Dohm regards as a natural consequence of the Jews' oppressed existence. That Dohm made these comments in 1774, seven years before *Über die bürgerliche Verbesserung*, indicates that he did — contrary to the claims of Hess — have a genuine interest in the well-being of the Jews.

¹⁴⁷ J. B. Bury, *The Idea of Progress: An Inquiry into its Origin and Growth* (London: Macmillan, 1920), p. 128.

¹⁴⁸ Dohm, *Verbesserung* [1783], p. 135.

¹⁴⁹ Christian Wilhelm von Dohm, 'Probe einer kurzen Characteristick einiger der berühmtesten Völker Asiens', *Lippische Intelligenzblätter*, 41 (1774), 649–56, 665–70.

¹⁵⁰ Dohm, 'Probe', p. 652.

Dohm was well aware that his regeneration paradigm would not convince thinkers such as Voltaire who denied the malleability of human nature in the case of the Jews. He admits: ‘Mit *diesen Gegnern* kann ich nicht streiten; unsere Principia sind einander so gerade entgegen, daß unsere Resultate sich nie nähern können’.¹⁵¹ Dohm’s unwillingness to engage with this issue can be interpreted as a conscious decision to limit the parameters of any future debates about the Jews. He was specifically addressing those thinkers who believed that the Jewish religion — not the Jews themselves — prevented the Jews’ self-improvement.

Given the influence of Eisenmenger’s *Entdecktes Judenthum*, it should not surprise us that it was Eisenmenger’s claims which Dohm most keenly felt the need to rebut. He accuses Eisenmenger of a highly selective reading of Jewish sources, many of which stem from Jewish converts to Christianity.¹⁵² To hold the entire Jewish nation accountable for the opinions of a select few rabbis would be like holding Christianity accountable for the misanthropic ideas of some of its Church Fathers. Dohm insists that neither Mosaic law nor the Talmud recognises a distinction between the Jews’ internal and external relationships. The Jewish commandment ‘Love your neighbour as yourself’ describes how Jews must treat all people, not only their fellow Jews.¹⁵³

Despite his vocal opposition to Eisenmenger’s book, which he describes as a collection of fairy tales inspired by the spirit of persecution,¹⁵⁴ Dohm is unable to entirely remove himself from the anti-Jewish, or rather anti-rabbinic, tradition which Eisenmenger helped consolidate. In a statement which alarmed some of his Jewish readers, such as Moses Mendelssohn and Naphtali Hartwig Wessely,¹⁵⁵ Dohm insists that the essence of Judaism is contained within the Pentateuch, which Christians also regard as divinely inspired: ‘Schon diese Meynung von dem Ursprung desselben muß jeden Gedanken entfernen, daß dieses Gesetz Laster vorschreiben könne, und daß seine Befolger schädliche Bürger seyn müßten’.¹⁵⁶

¹⁵¹ Dohm, *Verbesserung* [1783], p. 134

¹⁵² Dohm, *Verbesserung* [1781], p. 15.

¹⁵³ *Ibid.*, p. 18.

¹⁵⁴ *Ibid.*, p. 15.

¹⁵⁵ Christoph Schulte, ‘„Diese unglückliche Nation“ — Jüdische Reaktionen auf Dohms *Über die bürgerliche Verbesserung der Juden*’, *Zeitschrift für Religions- und Geistesgeschichte*, 54 (2002), 352–65.

¹⁵⁶ Dohm, *Verbesserung* [1781], p. 16.

Implicit in this statement is of course the idea that post-biblical Jewish traditions, such as rabbinic law, are in fact dispensable. Indeed, Dohm makes several disparaging remarks about Judaism's rabbinic culture, and even expresses the hope that Jews will eventually dispense with the Jewish oral tradition, once they have been granted full political rights.¹⁵⁷

Several scholars have accused Dohm, to a greater or lesser degree, of lacking knowledge and cultural sensitivity in his discussion of religious Judaism.¹⁵⁸ This is a highly contentious issue which I do not want to discuss in further detail here, except to mention a key distinction between Dohm and Eisenmenger. Dohm was a deist, who wanted to see a world in which religion was a private matter and did not interfere with an individual's social and moral obligations. This explains much of his distaste for post-biblical Jewish beliefs and rituals, as indeed it does his virulent criticisms of Christianity.¹⁵⁹ In contrast, Eisenmenger attacked Rabbinic Judaism from a medieval Christian perspective. In his opinion, the post-biblical Jew was inherently corrupt, since he had no theological worth; there could be no return to a purer form of Judaism, since Judaism had been superseded by Christianity.

Having refuted the claims of Eisenmenger, Dohm addresses Voltaire's treatment of ancient Judaism. Although Dohm is unwilling to consider Voltaire's ideas about the innate corruption of the Jewish character, he does contest Voltaire's assertions about the misanthropy of the ancient Hebrews. In this instance, Dohm adopts the German line of argument. Under the influence of Michaelis' *Mosaisches Recht*, Dohm depicts Moses as a lawgiver whose regulations were perfectly suited to the primitive circumstances in which the ancient Hebrews lived. Moses led his people out of slavery and created an independent nation to preserve the doctrine of monotheism. In Dohm's view, it was imperative that the ancient Hebrews became imbued with a love and pride for their political constitution, to prevent them from falling under the influence of the idolatrous practices of their mightier neighbours.¹⁶⁰

¹⁵⁷ Dohm, *Verbesserung* [1783], p. 275

¹⁵⁸ See, for example, Michael Reuven, 'Die antijudaistische Tendenz in Christian Wilhelm Dohms Buch über die bürgerliche Verbesserung der Juden', *Bulletin des Leo Baeck Institut*, 77 (1987), 12–18. For an excellent response, see Heinrich Detering, '„der Wahrheit, wie er sie erkennt, getreu“: Aufgeklärte Toleranz und religiöse Differenz bei Christian Wilhelm Dohm', *Zeitschrift für Religions- und Geistesgeschichte*, 54 (2002), 326–51.

¹⁵⁹ Detering, '„der Wahrheit, wie er sie erkennt, getreu“', pp. 346–48.

¹⁶⁰ Dohm, *Verbesserung* [1781], p. 16.

We can now see the outline of Dohm's strategy. Having challenged the two main existing theories about the origins of Jewish misanthropy, he is almost ready to offer his alternative explanation. He does not, however, immediately arrive at his main argument, which is that Christian oppression is responsible for the Jews' hatred of Christians. Instead, he openly admits that Jews initially began hating Gentiles during the latter period of the Jewish state, once they had recognised that their religious ideas were far superior to those of their neighbours.¹⁶¹ It is likely that Dohm made this concession to take into account the accusations of Jewish misanthropy levelled by the authors of antiquity going back to Hecataeus of Abdera (4th century BC). European thinkers had been made aware of these claims by Jean-Baptiste de Mirabaud's *Opinions des anciens sur les juifs* (1769).¹⁶²

In this context, Dohm introduces his radical critique of positive religion, which I consider to be his central argument. He contends that positive religion severs the natural bonds of humanity.¹⁶³ What does Dohm mean by this phrase? Ulrich Kronauer insists that Dohm was making an anthropological claim, looking back to a distant time when humans were not split into groups and felt no enmity towards one another.¹⁶⁴ I think it is more likely that Dohm was thinking of the ideal of universal humanity rather than its historical reality. This is a subject which had interested him for several years. In his annotated translation of Charles Bonnet's *Essai de psychologie* (1755), Dohm showed great enthusiasm for Bonnet's version of a great chain of being: the interconnected structure of reality in which the happiness of the individual is intertwined with the happiness of humanity as a whole:

Es ist eine ungemein schöne Idee, und eine der allerangenehmsten und erhabensten Empfindungen, deren unser Geist fähig ist, sich der Betrachtung des allgemeinen Zusammenhangs der Dinge in der geistigen und materiellen Welt und beider Welten unter einander zu überlassen. Welch eine harmonische Zubereitung jedes einzelnen Theils für das Ganze, des Ganzen für jeden einzelnen Theil! Welch ein

¹⁶¹ Ibid., p. 17.

¹⁶² Jean-Baptiste de Mirabaud, *Opinions des anciens sur les juifs* (London, 1769). On the influence of this text, see Sutcliffe, *Judaism and Enlightenment*, p. 187.

¹⁶³ Dohm, *Verbesserung* [1781], p. 19.

¹⁶⁴ Ulrich Kronauer, "'Antisemitische Wölfe im Schafspelz'? Überlegungen anlässlich der Kritik von Daniel Goldhagen an der deutschen Aufklärung', in *Kritik und Geschichte der Intoleranz*, ed. by Rolf Kloepfer and Burckhard Dücker (Heidelberg: Synchron, 2000), pp. 57–75 (pp. 60–61).

zusammentreffendes Bestreben so vieler Millionen Triebfedern zu einem großen Zweck der höchsten Vollkommenheit, der Glückseligkeit Aller.¹⁶⁵

It is my contention that Dohm's 'natural bonds of humanity' refers to the sentimentalist theories of natural sociability, which in Germany, as we have already seen, were closely tied to the idea of *Menschenliebe*. Dohm may have been thinking in particular of Shaftesbury, who believed that institutional religion undermined man's natural capacity for sociability by fostering sectarianism. In Shaftesbury's opinion, humans only needed to see the beauty and harmony around them in order to treat their neighbours with love and kindness. Looking for truth in scripture and miracles could impede the natural moral sense. In his most famous work, *Characteristics of Men, Manners, Opinions, Times* (1711), Shaftesbury stated: 'The ill character of a God does injury to the affections of men and disturbs and impairs the natural sense of right and wrong'.¹⁶⁶

Like the Enlightenment sentimentalists, Dohm thinks that our immediate sense of right and wrong is founded on emotions rather than reason. For him, the natural bonds of humanity are spontaneous feelings of empathy and interconnection, which stem from the recognition of equality between human beings. They are the bonds which make *Menschenliebe* possible. In Dohm's opinion, the natural bonds of humanity are severed only when humans cease to recognise their shared humanity. Positive religion, he argues, can prompt this change of personality, since each religion claims a monopoly on truth and salvation. Each religion makes bold claims about the nature of the afterlife, and tries to persuade its followers that they alone have understood God's purpose for mankind:

Jede Religion flösset also ihren Anhängern eine Art von Abneigung gegen die aller übrigen ein, eine Abneigung die bald mehr an Haß, bald an Verachtung gränzt, und die nach mannichfachen Stufen gestärkt und geschwächt erscheint, je nachdem die politischen Verhältnisse der verschiedenen religiösen Gesellschaften ihre Empfindungen gegen einander bestimmen.¹⁶⁷

¹⁶⁵ Dohm's translation was published under the title *Des Herrn Karl Bonnet psychologischer Versuch, als eine Einleitung zu seinen philosophischen Schriften* (Lemgo, 1773). This footnote can be found on page 261.

¹⁶⁶ Antony Ashley Cooper, *Characteristics of Men, Manners, Opinions, Times*, ed. by Lawrence E. Klein (Cambridge: Cambridge University Press, 2000), pp. 181–82.

¹⁶⁷ Dohm, *Verbesserung* [1781], p. 19.

In other words, Dohm argues that religious hatred is not unique to Judaism. Rather, it is a consequence of religious sectarianism, and can occur whenever different religious groups interact with one another. Dohm had come to a similar conclusion in *Probe einer kurzen Characteristick* (1774). In his discussion of the Turkish people, he says: ‘Der Türke verachtet den Christen; aber sehr oft verdient es dieser durch sein niedriges Betragen’.¹⁶⁸ He makes a similar comment in a later text, *Volkskalender und Volksschriften* (1796): ‘Die Trennung der Religiösen hat Jahrhunderte hindurch bitterm Haß, blutige Kriege und Verfolgungen zu traurigen Folgen gehabt’.¹⁶⁹

Dohm argues that harmonious political relations between different religious groups can prevent a complete severance of the natural bonds of humanity. In his historical narrative, Dohm depicts the early Roman Empire as a state which optimised the political relations between different religious groups. Unlike the confessional states of Europe — and also the ancient Jewish theocracy — Rome enforced a strict separation of church and state. It ensured that religious plurality did not result in a fragmentation of the citizen body. After destroying Jerusalem, following the Jewish uprising, Rome punished only those Jews who had actively rebelled against the state. The rest, including their descendants, had their civil and human rights secured:

Die weise und gelinde Politick der römischen Monarchen erlaubte aber nicht, daß die Härte dieser Behandlung weiter als auf die Schuldigen ausgedehnt wurde. Die schon vor der Zerstörung von Jerusalem in dem römischen Reich zerstreuten Juden wurden bey der vollkommenen Religionsfreyheit und bey allen den bürgerlichen Rechten, deren sie vorher genossen, erhalten.¹⁷⁰

For over four centuries, the Jews enjoyed full equality of rights, and were allowed to worship as they pleased. Dohm depicts this period as the happiest and most peaceful in Jewish history.¹⁷¹ Having previously been possessed by a hatred of their neighbours, Jews quickly adjusted to the demands of citizenship. They became patriotic members of society, serving as distinguished soldiers in the Roman military, and holding important roles in

¹⁶⁸ Dohm, ‘Probe’, p. 666.

¹⁶⁹ Christian Wilhelm Dohm, *Ueber Volkskalender und Volksschriften überhaupt* (Leipzig, 1796), pp. 39–40.

¹⁷⁰ Dohm, *Verbesserung* [1781], p. 27.

¹⁷¹ *Ibid.*, p. 29.

government. As Hess argues, Rome serves Dohm ‘as a model for both Jewish civic virtue and civic virtue per se’.¹⁷²

For Dohm, the history of Christianity provides the most compelling evidence that positive religion severs the natural bonds of humanity. He believes that the essence of Christianity lies in Jesus’s message of love and toleration. In Dohm’s opinion, if institutional Christianity had remained faithful to its biblical teachings, it would have sought to construct a society of universal humanity, which did not advantage one group over another.¹⁷³ Alas, the professed Christian ideal was trampled on by those who practised in its name. Dohm accuses the early Church Fathers of trying to demonstrate their enthusiasm for the religion of love (*Religion der Liebe*) by encouraging the ‘loveless’ (*lieblos*) persecution of religious dissidents.¹⁷⁴

For Dohm, Rome’s decision to adopt Christianity as its official state religion was one of the greatest tragedies in the history of Christian-Jewish relations, because it utterly transformed the political relations between Jews and Christians. Previously, Rome had protected the Jews from Christian persecution.¹⁷⁵ Now, religious antagonism was transformed into political antagonism. In the decades after Constantine’s conversion to Christianity the Jews saw their civil and human rights eroded. Dohm traces the roots of post-biblical Jewish moral corruption back to this point. He contends that the anti-Jewish legislation enacted by Rome violated the Jews’ natural feelings of justice. Clearly, this is a further argument which he borrows from the Enlightenment sentimentalist tradition.¹⁷⁶

The remaining section of Dohm’s historical narrative deals with the historical persecution of Jews by Christian states, and the effects of this persecution on the Jewish character. Dohm introduces several themes which he later discusses in more detail. For example, he talks about the Jews’ obsession with profit, asserting that this feature of their character developed only as a consequence of them being excluded from all occupational paths which could lead to civic honour (*bürgerliche Ehre*).¹⁷⁷ The main point of his discussion, however, is to show that the Jews’ hatred of Christians developed as an entirely

¹⁷² Jonathan Hess, ‘Rome, Jerusalem, and the Imperial Imagination’, p. 137.

¹⁷³ Dohm, *Psychologischer Versuch*, p. 212.

¹⁷⁴ Dohm, *Verbesserung* [1781], p. 29.

¹⁷⁵ *Ibid.*, p. 27.

¹⁷⁶ *Ibid.*, p. 31.

¹⁷⁷ *Ibid.*, p. 34.

natural and human response to the hatred and persecution they suffered at the hands of Christians.

Dohm's position is not unlike that of the Jewish psychologist Viktor Frankl, who, speaking of his own experiences as a prisoner in German concentration camps, concluded: 'An abnormal reaction to an abnormal situation is normal behaviour'.¹⁷⁸ Although Dohm is generally critical of medieval Christian accounts of Jewish ritual and practices, he admits that Jews in the past may have forcibly circumcised Christian children, or celebrated the death of Jesus during Easter. He argues, however, that these acts of hostility were not inspired by the Jewish religion, which in fact prohibits such actions, but were rather entirely human responses to an inhumane situation:

Die Juden müßten keine Menschen gewesen seyn, wenn sie die, welche sie so ungerecht verfolgten, nicht wieder gehaßt hätten, und wenn ihnen ihre uralte Lehre, eben weil sie ihnen soviel Kummer verursachte, nicht noch lieber geworden wäre. Sie suchten die thätigen Drückungen ihrer Feinde wenigstens mit heimlichen Beweisen ihres Hasses zu vergelten.¹⁷⁹

What emerges from Dohm's reflections is a striking picture of the clash between oppressor and oppressed. Using highly emotive language, Dohm portrays the Jews as a people who in every way have been marginalised, insulted and persecuted. The most striking feature of Dohm's narrative is his focus on the dehumanising effects of systematic oppression. He declares that the Jews would not have been human if they had not hated the people who treated them with such brutality. To put it differently, Dohm deems misanthropy to be a natural psychological state for a people who are everywhere hated and oppressed.

Like Gellert in *Die schwedische Gräfin von G****, Dohm holds Christians responsible for the degenerate state of the Jews in modern times:

Wir waren immer die herrschenden, uns lag es daher ob, dem Juden menschliche Gefühle dadurch einzuflößen, daß wir ihm Beweise der unsrigen gäben; wir mußten, um ihn von seinen Vorurtheilen gegen uns zu heilen, die eignen zuerst ablegen. Wenn diese also noch itzt den Juden abhalten, ein guter Bürger, ein

¹⁷⁸ Viktor E. Frankl, *Man's Search for Meaning: An Introduction to Logotherapy*, 4th edn (Boston: Beacon Press, 1992), p. 32.

¹⁷⁹ Dohm, *Verbesserung* [1781], p. 35.

geselliger Mensch zu seyn, wenn er Abneigung und Haß gegen den Christen fühlt, wenn er sich durch die Gesetze der Redlichkeit gegen ihn nicht so wie gegen seine Glaubensgenossen gebunden glaubt; so ist dies Alles *unser Werk*. Seine Religion gebietet ihm diese Vergehungen nicht, aber die Vorurtheile, die wir ihm eingeflößt haben, und noch immer bey ihm unterhalten, wirken stärker als die Religion. Wir sind der Vergehungen schuldig, deren wir ihn anklagen.¹⁸⁰

In arriving at this conclusion, Dohm inverts the usual view of cause and effect. His contemporaries believed that the state was justified in discriminating against the Jews because of the Jews' degenerate condition. In contrast, Dohm argues that the Jews are only degenerate because of their historic exclusion from civil society. For Dohm, this conclusion can only mean one thing: civil rights must be extended to the Jews. The Jews' moral regeneration, he believes, can only begin once the underlying cause for the Jews' moral corruption — the oppression they face on a daily basis — is removed.

In this way, Dohm resolved a conflict which lay at the heart of previous discussions about Jews: since Jews are capable of moral improvement, their hatred of non-Jews does not prevent them from being eligible candidates for the Enlightenment's humanitarian mission.

Dohm's theory of the state

Dohm considers the freedom of worship to be a fundamental human right. In his opinion, religious pluralism is a natural and unavoidable consequence of people being allowed to worship God as they see fit.¹⁸¹ Thus, the ideal of universal humanity remains for Dohm only an ideal. Nonetheless, it is the ideal which guides and defines the purpose of the state. He reminds his readers: 'Diese durch die Religion bewirkte Trennung ist nicht die einzige in der bürgerlichen Gesellschaft'.¹⁸² Modern civil society, according to Dohm, is characterised not by unity but by plurality. It is a mosaic of individuals, groups, estates, and ranks. It is the state's responsibility to ensure that pluralism does not result in a fragmentation of the citizen body:

¹⁸⁰ Dohm, *Verbesserung* [1783], p. 27.

¹⁸¹ Dohm, *Verbesserung* [1781], p. 19.

¹⁸² *Ibid.*

Das grosse und edle Geschäft der Regierung ist, die ausschliessenden Grundsätze aller dieser verschiedenen Gesellschaften so zu mildern, daß sie der grossen Verbindung, die sie alle umfaßt, nicht nachtheilig werden, daß jede dieser Trennungen nur den Wetteifer und die Thätigkeit wecken, nicht Abneigung und Entfernung hervorbringen, und daß sie sich alle in der grossen Harmonie des Staats auflösen. Sie erlaube jeder dieser besondern Verbindungen ihren Stolz, auch sogar ihre nicht schädliche Vorurtheile; aber sie bemühe sich jedem Gliede noch mehr Liebe für den Staat einzufliessen, und sie hat ihre grosse Absicht erreicht, wenn der Edelmann, der Bauer, der Gelehrte, der Handwerker, der Christ und der Jude noch mehr als alles dieses, *Bürger* ist.¹⁸³

Dohm is appealing for a state which repairs the natural bonds of humanity. However, he is no longer explicitly framing his discussion in the language of *Menschenliebe* and humanism. Instead, he is speaking about a love for the state. The most accurate and helpful way of labelling Dohm's position is enlightened patriotism, a position which I discussed in the previous chapter. As Teodora Shek Brnardić describes it:

Patriotism was the attitude of an enlightened man who wants to serve others and promote the well-being and prosperity of his community and country, which would in turn advance the whole humanity.¹⁸⁴

Indeed, in *Volkskalender und Volksschriften* (1796) Dohm argues that *Menschenliebe* is not only compatible with, but also a precondition for, enlightened patriotism. After painting a picture of a patriotic citizenry, Dohm states: 'Dieses muß sein Vaterland lieben, Gut und Blut zu dessen Vertheydigung aufopfern können, ohne dazu durch Menschenhaß befeuert zu werden'.¹⁸⁵

For Dohm, it is as citizens of the state that all individuals, irrespective of their religious beliefs, rediscover their shared humanity. Dohm's main message is that all citizens are equal in the eyes of the state. Thus, the question whether they see themselves as equals in the eyes of God becomes irrelevant. He states: 'So sehn wir schon in einigen europäischen

¹⁸³ Ibid., p. 20.

¹⁸⁴ Teodora Shek Brnardić, 'Modalities of Enlightened Monarchical Patriotism in the Mid-Eighteenth-Century Habsburg Monarchy', in *Whose Love of Which Country? Composite States, National Histories, and Patriotic Discourses in Early Modern East Central Europe*, ed. by Balázs Trencsényi and Márton Zászkaliczky (Leiden: Brill, 2010), pp. 631–61 (p. 635).

¹⁸⁵ Dohm, *Volkskalender*, p. 36.

Landen die Bürger für das Glück dieses Lebens harmonisch vereint, wenn sie gleich das Glück des künftigen auf verschiedenen Wegen suchen'.¹⁸⁶

Therein lies Dohm's optimism about the improvability of the Jewish moral character. As David Sorkin suggests, Dohm had an 'unquestioned faith in the ennobling power of freedom and equality'.¹⁸⁷ He believed that worldly rewards and punishments had a far greater influence on human motivation than the divine. If Jews were readmitted into the society of common humanity, they would soon become patriotic citizens. They would accept that religion must be subordinated to the state and would eventually relinquish those religious traditions which might prevent their social integration, for example, the belief in a Messiah who will lead them back to Israel.¹⁸⁸ Dohm explains:

Der Jude ist noch mehr Mensch als Jude, und wie wäre es möglich, daß er einen Staat nicht lieben sollte, in dem er ein freyes Eigenthum erwerben und desselben frey geniessen könnte, wo seine Abgaben nicht grösser als die andrer Bürger wären, und wo auch von ihm Ehre und Achtung erworben werden könnte? Warum sollte er Menschen hassen, die keine kränkende Vorrechte mehr von ihm scheiden, mit denen er gleiche Rechte und gleiche Pflichten hätte?¹⁸⁹

Dohm admits that the Jews' moral regeneration would require at least two generations. He contends that it is the duty of the state to ensure that this transition occurs as efficiently as possible. The second half of *Über die bürgerliche Verbesserung* mainly deals with the pragmatic, legislative issues of Jewish emancipation. Here, Dohm's cameralist background is most readily apparent. He looks in detail at the impact of economic opportunities on the Jewish character. In Dohm's opinion, the Jews' historic dependence on commerce had contributed to the deformation of their character, making them greedy and calculating. He recommends that Jews should abandon commerce for healthier occupations such as artisanry and agriculture. The government should sponsor Jewish occupational restructuring through measures such as tax relief, and the removal of guild privileges.¹⁹⁰

¹⁸⁶ Dohm, *Verbesserung* [1781], p. 20.

¹⁸⁷ David Sorkin, *The Transformation of German Jewry, 1780–1840* (Oxford: Oxford University Press, 1987), p. 25.

¹⁸⁸ Dohm, *Verbesserung* [1783], p. 216.

¹⁸⁹ Dohm, *Verbesserung* [1781], p. 21.

¹⁹⁰ *Ibid.* pp. 61–64.

Dohm's proposals for educational reform

While Dohm's programme for Jewish economic regeneration has received significant scholarly attention, his discussion of educational reform is generally overlooked in the existing literature.¹⁹¹ Yet it is here that Dohm returns to some of the central themes discussed in his theoretical and historical analysis. As we shall see, Dohm believes that the ideal of universal humanity is not found ready-made in religiously pluralist societies and therefore requires cultivation. He sees it as the state's duty to ensure that Christians and Jews alike are taught the values of universal humanity and *Menschenliebe*.

The early proponents of the Haskalah believed that a reform of traditional Jewish education was necessary if Jews were to be brought into the mainstream of European culture. At the time of Mendelssohn's Bible translation (1778–83), many Jews were unable to read any script but Hebrew.¹⁹² Only the wealthiest could afford a private tutor, leaving most Jews without access to a secular education. This situation only began to change in 1778, with the establishment of the Jewish *Freischule* in Berlin, an educational institution which did not charge tuition fees. It taught a curriculum which included languages, science, history and European culture.¹⁹³ In 1784, the *Freischule* was selected for praise in an article of the *Berlinische Monatsschrift*:

Wenn je dies merkwürdige Volk soll aufgeklärt, und dadurch politisch und moralisch verbessert werden: so muß dis — da nun doch einmal die Regierungen nichts dazu thun werden — durch des Volkes eigne innere Kraft geschehn, durch Bildung, die die Juden sich selbst erwerben, und die sie dann den Jüngern und dazu Empfänglichen wiederum mittheilen.¹⁹⁴

In Dohm's opinion, a major reform of the Jewish educational system could only occur once the Jews had been granted citizenship. He explained that high taxes had made it

¹⁹¹ A notable exception is Wolf Christoph Seifert's discussion, which provides useful background information on the Prussian school system. See Seifert, *Kommentar*, pp. 70–80.

¹⁹² Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family, and Crisis, 1770–1830* (Oxford: Oxford University Press, 1994), p. 48.

¹⁹³ On the *Freischule*, see Shmuel Feiner, *The Jewish Enlightenment*, trans. by Chaya Naor (Philadelphia: University of Pennsylvania Press, 2002), pp. 107–12.

¹⁹⁴ Friedrich Gedike, 'Ueber Berlin: Von einem Fremden', *Berlinische Monatsschrift*, 12 (Dec. 1784), 556–565 (p. 556).

impossible for Jews to pay for the moral education of their youth.¹⁹⁵ Such reform was necessary, in Dohm's view, because traditional Jewish learning, taught by rabbis, had left Jews woefully ill-equipped to deal with the demands of citizenship. Like the Jewish educational reformer Naphtali Herz Wessely, Dohm wanted Jews to have access to a secular education programme, where they could study the German vernacular, and learn the skills needed to earn a livelihood.

Like Kant and Mendelssohn, Dohm uses the term *Bildung* to denote a person's intellectual, emotional and moral education. He shares a similar outlook to Kant, who once said: 'Der Mensch kann nur Mensch werden durch Erziehung'.¹⁹⁶ Where Dohm discusses the natural bonds of humanity, he explains that the pernicious effects of religious exclusivism are reduced in societies with a high degree of culture and enlightenment.¹⁹⁷ Although he demands that the state must guarantee Jewish religious autonomy, including the right to a religious education, he also stresses that it is the duty of the state to cultivate the moral realm which is independent of religious faith, i.e. man's capacity for *Menschenliebe*:

Er könnte dafür sorgen, daß neben den geheiligten Lehren seiner Väter auch der Verstand der Juden durch das helle Licht der Vernunft, der Erkenntniß der Natur und ihres grossen Urhebers, erleuchtet, und sein Herz durch die Grundsätze der Ordnung, Rechtschaffenheit, der Liebe aller Menschen und der grossen Gesellschaft in der er lebt, erwärmt würde.¹⁹⁸

Dohm's interest in educational reform, and his focus on secular education as a prerequisite for *Bildung*, coincided with the efforts of Frederick the Great and his minister of education, Karl Abraham von Zedlitz.¹⁹⁹ In 1763, Frederick enacted the *General-Landesschulreglement*, which made it compulsory for children between 6 and 14 to attend school. According to Harry Morgan, this was an important step in the transition of Prussian

¹⁹⁵ Dohm, *Verbesserung* [1781], p. 25.

¹⁹⁶ Immanuel Kant, *Über Pädagogik*, in *Gesammelte Schriften*, Akademie-Ausgabe [Hereafter cited as AA] 29 vols (Berlin: de Gruyter, 1900–83), IX, pp. 437–500 (p. 443).

¹⁹⁷ Dohm, *Verbesserung* [1781], p. 19.

¹⁹⁸ *Ibid.*, pp. 65–66.

¹⁹⁹ On this subject, see Wolf Christoph Seifert, *Kommentar*, pp. 70–75. On Zedlitz' reform programme, see Britta L. Behm, *Moses Mendelssohn und die Transformation der jüdischen Erziehung in Berlin: Eine bildungsgeschichtliche Analyse zur jüdischen Aufklärung im 18. Jahrhundert* (Münster: Waxmann, 2002), pp. 191–95.

education ‘from a system controlled and dominated by religion to a secular, state-controlled system’.²⁰⁰ In the following decades, educational reform became a serious topic for public debate. In a lecture given in 1777, Zedlitz declared: ‘Die Erziehungskunst kann als das Lieblingsstudium in unsern Tagen angesehen werden’.²⁰¹ Educational reformers like Johann Bernhard Basedow argued that state education should be entirely free from religious influence, so that all children, irrespective of their religious beliefs, could attend.²⁰²

It is telling that Dohm did not recommend the Jewish *Freischule* as a model for Jewish education reform. He opposed all policies which would result in Jews being kept separate from the rest of society.²⁰³ Instead, Dohm imagined a schooling system modelled on Basedow’s famous experimental school: the Philanthropinum. This school could be attended by children of all religious faiths, whether Protestant, Catholic, Jewish, Mennonite or Muslim. Although the Philanthropinum’s curriculum emphasised a variety of subjects, it was designed with the aim of cultivating *Menschenliebe*: ‘Bey aller gewiß ausserordentlich gelingender Bemühung für Sprachen, Wissenschaften, und Fertigkeiten wird uns keine derselben so wichtig seyn, als die Verpflegung des natürlichen Keims zur Menschenliebe’.²⁰⁴ Pupils were taught that the various monotheistic religions share many core beliefs, ideas and values. It should not surprise us that Dohm was especially enthusiastic about this aspect of Basedow’s pedagogic project:

Gewiß ein hohes Verdienst des Philantropins, auch hierinn ein Muster gegeben zu haben, das allgemeiner nachgeahmt, die herrliche Wirkung hervorbringen müßte, daß beyde Partheyen über den großen Wahrheiten, die ihnen gemein sind, die trennenden Unterschiede vergäßen, und sich wie Brüder lieben lernten, weil sie alle einen allgütigen Vater verehren.²⁰⁵

²⁰⁰ Harry Morgan, *The Imagination of Early Childhood* (Westport, CN: Bergin & Garvey, 1999), p. 22.

²⁰¹ Karl Abraham von Zedlitz, ‘Erste Vorlesung über den jetzigen Zustand der öffentlichen Schulen, und die Möglichkeit, sie dem bürgerlichen Leben angemessener und nützlicher zu machen’, in *Magazin für die Erziehung und Schulen besonders in den Preußischen Staaten*, vol. 1, part 1 (Halle, 1781), 3–35 (p. 3).

²⁰² Johann Bernhard Basedow, *Vorstellung an Menschenfreunde* [1768], ed. by Theodor Fritsch (Leipzig: Reclam, 1906), pp. 34–38.

²⁰³ Dohm, *Verbesserung* [1781], p. 63.

²⁰⁴ Johann Bernard Basedow, *Das in Dessau errichtete Philanthropinum, eine Schule der Menschenfreundschaft* (Leipzig, 1774), p. 22.

²⁰⁵ Dohm, *Verbesserung* [1783], p. 66–67.

In announcing his support for the Philanthropinum, Dohm joined a growing number of thinkers who believed that Basedow's experimental pedagogy embodied the ideals of the humanitarian Enlightenment. Kant described the Philanthropinum as 'das größte Phänomen, was in diesem Jahrhundert zur Verbesserung der Vollkommenheit der Menschheit erschienen ist'.²⁰⁶

Dohm argues that Christian children will also benefit from the Philanthropinum's curriculum. We should not forget Dohm's implied argument: that Christians, like Jews, are ill-equipped with the values needed in religiously pluralist secular societies. They too have been corrupted by the morality of religious exclusivism:

Mit der sittlichen Verbesserung der Juden müßte aber dann auch die Bemühung den Christen ihre Vorurtheile und ihre lieblosen Gesinnungen zu benehmen, in gleichem Schritte gehen. Früh in der Jugend müßten sie schon gelehrt werden, die Juden wie ihre Brüder und Mitmenschen zu betrachten.²⁰⁷

According to Dohm's pamphlet, the emancipation of Jews can only occur alongside a more general transformation of Prussian society. In his view, secularisation is a precondition for, and an inevitable consequence of, Jewish emancipation. He wants to see a decline in the influence of religion on public life and institutions. After all, Jewish equality of rights would only guarantee an improvement in the Jews' legal condition; their social integration and moral regeneration would depend on them being exposed to European culture and enlightenment.

In Dohm's work, the idea of *Menschenliebe* loses all religious connotations, since he derives it from a strictly secular view of human nature. He regards *Menschenliebe* as both a *pre-religious* and *post-religious* moral disposition: pre-religious, because it corresponds to man's natural state of being in the absence of positive religion; and post-religious, because it becomes the foundational moral virtue in societies where religion has been subordinated to the state. *Menschenliebe*, for Dohm, is a sentimental virtue, deeply rooted in human nature. Having disappeared during the age of confessionalism, the virtue of

²⁰⁶ Immanuel Kant, 'Entwürfe zu dem Colleg- über Anthropologie aus den 70er und 80er Jahren, Handschriftlicher Nachlas', AA XV, p. 792.

²⁰⁷ Dohm, *Verbesserung* [1781], p. 67.

Menschenliebe reappears in the Enlightenment, once human beings rediscover their shared humanity.

As several sociologists of religion remind us, secularisation does not require a diminishment of religious belief.²⁰⁸ The object of secularisation is not religion, but rather religious authority. Although Dohm is critical of institutional religion, he does not believe that modernity is incompatible with religious belief. As a deist, he thinks that there is a rational core at the heart of both Christianity and Judaism. His attitude towards Christianity bears some resemblance to that of the Neologists, a group of theologians who tried to reduce Christian teachings to rational principles.²⁰⁹ Antony La Vopa has described the Neologists as the ‘reigning elders of an Enlightenment establishment’.²¹⁰ They staunchly defended enlightenment, freedom of conscience and religious toleration, whilst remaining firmly within the church.

Like the Neologists, Dohm wanted to see a more tolerant Christianity being preached to the German public. In his view, Christian religious leaders had contributed to a persecuting atmosphere in Europe by preaching old religious prejudices against the Jews. In the final passage of *Über die bürgerliche Verbesserung*, Dohm argues that a reform of institutional Christianity is necessary if his proposals are to be accepted. He demands that institutional Christianity should live up to the moral standards of natural religion. In other words, it needs to nurture and revive Jesus’ ethic of neighbourly love and universal fraternity:

Wenn es den Regierern der Staaten bald gefallen sollte, die Juden zu dieser Gleichheit, zu dem Glück und der Nutzbarkeit, deren auch sie fähig sind, zu leiten; so werden, darf man hoffen, hierin keine Hindernisse von den Lehrern der Religion zu besorgen seyn, deren ursprünglicher Geist nur Liebe und Verträglichkeit ist. [...] Sollten indeß noch hin und wieder Spuren dieser unnatürlichen Ausartung vom ächten Geiste des Christenthums übrig geblieben, sollten die Lehrer der Religion der Liebe lieblos und verblendet genug seyn, eine menschliche Behandlung der Religionsparthey, aus der die ihrige selbst entstanden ist, zu widerrathen oder das Volk mit widrigen Gesinnungen gegen dieselbe zu erfüllen;

²⁰⁸ See, for example, Mark Chaves, ‘Secularization as Declining Religious Authority’, *Social Forces*, 72 (1994), 749–74.

²⁰⁹ On the Neologists, see Karl Aner, *Die Theologie der Lessingzeit* (Halle: Georg Olms, 1929).

²¹⁰ Anthony J. La Vopa, *Fichte: The Self and the Calling of Philosophy, 1762–1799* (Cambridge: Cambridge University Press, 2001), p. 63.

so sind in unseren Zeiten die Rechte der Regenten und die Verhältnisse der bürgerlichen zu den religiösen Gesellschaften bekannt genug.²¹¹

Conclusion

Dohm's treatise unleashed heated debates on Jewish emancipation in the German press. We shall look at some of the responses in the next chapter. But what was it about Dohm's arguments which captivated his audience? Dohm was not the first thinker to propose granting civil rights to the Jews. Joseph Friedrich von Keppler and the anonymous author in *Teutscher Merkur* made similar demands. Nor were Dohm's cameralist proposals concerning occupational reform a complete break from the past. We have already seen that cameralist authors such as Justi believed that Jews could be transformed into productive members of society if only they were regulated correctly. This chapter has argued that Dohm's originality consists in his unique deployment of the concept of *Menschenliebe*. He offered an interpretation which resolved the conflict between two contradictory attitudes towards the Jews: one which held that the Jews were victims of oppression and therefore had to be embraced by the Enlightenment's humanitarian agenda; the other which identified the Jews as misanthropes and therefore identified them as the enemies of the Enlightenment's humanitarian agenda.

Dohm offered not only a powerful theoretical and historical argument in support of Jewish emancipation, he also produced practical recommendations. His discussion of educational reform offered concrete proposals for how the state could contribute to the Jews' moral regeneration. In short, Dohm's pamphlet presented a comprehensive vision for reform, which could not be ignored.

²¹¹ Dohm, *Verbesserung* [1781], pp. 79–80.

CHAPTER FOUR

The Jewish Military Debate

Following the appearance of Dohm's treatise, the question of civil rights for Jews became one of the most fiercely debated subjects in Prussian politics. Importantly, the publication of Dohm's pamphlet also marked the starting point of a sustained dialogue between Germans and Jews. Having long remained silent on the matter of political rights, Jewish voices began contributing to the discussion. In the remaining chapters, I shall explore the major areas of dispute in the last decades of the eighteenth century. Before beginning this discussion, however, it would be helpful to say a few words about the *Haskalah*, also known as the Jewish Enlightenment.

Recent scholarship has overturned previous depictions of the *Haskalah* as a singular phenomenon. The *Haskalah* did not contain a coherent intellectual or cultural vision. Nor was it limited to the Jewish experience in Prussia.¹ Shmuel Feiner and David Sorkin have called for renewed efforts to 'replace simple dichotomies, such as *Haskalah* and Orthodoxy, modernizers and traditionalists, with more subtle and nuanced distinctions that capture the perceptions and convey the dilemmas of the historical figures themselves'.²

It is now usual to speak of an 'early' and a 'late' *Haskalah* in Prussia. The early *Haskalah* emerged in the 1720s and lasted into the 1770s.³ It consisted of Jewish scholars renewing the intellectual traditions of Ashkenazi Jewry. They mainly concerned themselves with religious questions, but also studied the Hebrew language and rediscovered medieval Jewish philosophy. With very few exceptions, the early *maskilim* were distinctly unpolitical, and did not possess a vision for political or social reform.⁴ They

¹ On this issue, see David Rudermann, *Jewish Enlightenment in an English Key: Anglo-Jewry's Construction of Modern Jewish Thought* (Princeton: Princeton University Press, 2000).

² Shmuel Feiner and David Sorkin, 'Introduction', in *New Perspectives on the Haskalah*, ed. by Shmuel Feiner and David Sorkin (Oxford: Littman Library, 2001), pp. 1–8 (p. 3).

³ Shmuel Feiner, *The Jewish Enlightenment*, trans. by Chaya Naor (Philadelphia: University of Pennsylvania Press, 2002), p. 80.

⁴ The one known exception is Aaron Solomon Gumpertz, who anonymously published a short political treatise calling for more extensive rights for Jews. On this subject, see Gad Freudenthal, 'Aaron Salomon

were extremely reluctant to engage in religious disputes with Christians. When Johann Caspar Lavater publicly challenged Mendelssohn to either disprove Christianity or convert to it, Mendelssohn replied evasively. He reminded Lavater of the Jews' precarious political position *vis-à-vis* Christian authorities, which prevented him from speaking openly about such matters:

Ich bin ein Mitglied eines unterdrückten Volks, das von dem Wohlwollen der herrschenden Nation Schutz und Schirm erleben muß, und solchen nicht allenthalben, und nirgend ohne gewisse Einschränkungen erhält. Freyheiten, die jedem andern Menschenkinde nachgelassen werden, versagen sich meine Glaubensgenossen gerne, und sind zufrieden, wenn sie geduldet und geschützt werden. Sie müssen es der Nation, die sie unter erträglichen Bedingungen aufnimmt, für keine geringe Wohlthat anrechnen, da ihnen in manchen Staaten so gar der Aufenthalt versagt wird.⁵

The 'late' Haskalah emerged during the last quarter of the eighteenth century. David Sorkin has identified several variegated strands of the Haskalah of the 1770s–90s, which he defines in terms of their relationship to the early Haskalah: (1) continuation; (2) politicisation; and (3) radical repudiation.⁶

The late Haskalah experienced continuation insofar as the *maskilim* remained heavily concerned with traditional areas of Jewish study such as biblical exegesis and the Hebrew language. Mendelssohn's translation and commentary of the Pentateuch is the outstanding example of a work which remained faithful to the early Haskalah's efforts to revive scholarly Judaism.

Politicisation occurred only after Dohm's intervention lent prominence to the question of the Jews' legal status. Thinkers like Mendelssohn and Wessely advocated emancipation whilst remaining faithful to the notion of Jewish cultural revival.⁷ At least some of the *maskilim* — especially the younger ones — tried to provide new answers to traditional religious questions, especially when these questions directly or indirectly related to the Jews' legal status in Prussia. It is important to note, however, that they mainly challenged

Gumpertz, Gotthold Ephraim Lessing, and the First Call for an Improvement of the Civil Rights of Jews in Germany (1753)', *AJS Review*, 29 (2005), 299–353.

⁵ Moses Mendelssohn, 'Schreiben an den Herrn Diaconus Lavater zu Zürich von Moses Mendelssohn', *JubA*, VII, pp. 5–17 (p. 14).

⁶ David Sorkin, *The Berlin Haskalah and German Religious Thought: Orphans of Knowledge* (London: Vallentine Mitchell, 2000), p. 95.

⁷ *Ibid.*, pp. 103–11.

the authority of the rabbis from *within* Judaism. As Moshe Pelli has observed: ‘The Maskilim continued to resort to the Halachah itself, citing its sources in the original texts, appropriating it from the exclusive authority of the rabbi.’⁸

In the final decade of the eighteenth century, a growing number of Jewish intellectuals began openly demanding a reform of Judaism. Thinkers like Saul Ascher and Lazarus Bendavid ‘renounced the legacy of the early Haskalah in the name of secular culture and emancipation’.⁹ Some scholars argue that these thinkers went beyond Haskalah, since they did not attempt to revive Jewish tradition. According to Shmuel Feiner, the Haskalah never sought to take the Jews beyond Judaism and Jewish society; the aim of *maskilim* was to bring about a transformation that would repair rather than destroy what was antiquated.¹⁰ According to Feiner, the 1790s saw the ‘opening battle of the Jewish *Kulturkampf*, whose later stages are still being experienced by Jews at the beginning of the twenty-first century’.¹¹

In the remaining chapters, I want to show how the programme of the late Haskalah was shaped by the ongoing dialogue between Germans and Jews in the debates on political emancipation and the Jewish religion. I argue that there were two main objections levelled against Jews and Judaism by German thinkers in the final decades of the eighteenth century, both of which concerned Judaism’s religious laws and rituals.

The first objection, which I shall refer to as the *political objection*, concerned the content of Jewish law. It held that Jewish law, due to its many provisions, conflicted with the secular aims of the state. The outstanding example of this type of objection is Johann David Michaelis’ critical response to Dohm’s emancipation proposals. According to Michaelis, the Jews’ dietary requirements and commitment to the Sabbath rendered it impossible for them to observe the civic duty of compulsory military service. This chapter will show that the political objection to Jewish law was a major factor contributing to the politicisation of the Haskalah, as defined by Sorkin. The *maskilim* were determined to

⁸ Moshe Pelli, *Haskalah and Beyond: The Reception of the Hebrew Enlightenment and the Emergence of Haskalah Judaism* (Lanham, MD: University Press of America, 2010), p. 27.

⁹ David Sorkin, *Berlin Haskalah*, p. 123.

¹⁰ Shmuel Feiner, ‘Towards a Historical Definition of the Haskalah’, in *New Perspectives on the Haskalah*, pp. 184–220 (p. 211).

¹¹ Feiner, *Jewish Enlightenment*, p. 13.

demonstrate that they were ready to embrace emancipation. Although they ventured into new territory, they linked their ideas to established traditions within Judaism.

The second objection, which I shall call the *philosophical objection*, concerned the principles underlying Jewish law. Immanuel Kant thought that legalistic, Rabbinic Judaism could play no role in the modern world because it contradicted the Enlightenment's ideal of freedom. Kant advocated an ethics of autonomy, where the moral agent acts not according to political law or duty but rather an internalised conception of moral law. Kant's Jewish followers responded to this challenge by radically repudiating the early Haskalah's vision of cultural and religious renewal. They argued for a fundamental reform of Judaism along the principles of Kant's critical philosophy.

We shall return to Kant and the philosophical objection in the next chapter. In this chapter, I investigate the political objection to Jewish law. My primary focus is the military question, i.e. whether Jews could be soldiers in European armies. After looking at the political objection as formulated by Michaelis, I examine the response offered by Mendelssohn. I argue that Mendelssohn implicitly invoked the Talmudic dictum *dina de-malkhuta dina*, which claims that the laws of the state are binding, so long as they pertain to the state's mission.

I follow this discussion by tracing the influence of Mendelssohn's reply. The military question featured in several overlapping contexts. First, I look at the Jewish reception of Joseph II's decision to extend conscription to Jews in Austria. Second, I study the Prussian reform attempts between 1787 and 1792, which were led by David Friedländer. As we shall see, Jewish thinkers responded to the political objection to Jewish law in a variety of ways. Crucially, however, there emerged a broad consensus within the Jewish community that Jews could meet their obligations to the state without fundamental religious reform.

Dohm and Michaelis on Jewish military service

Nowadays, no one doubts that Jews can be soldiers. The presence of Jewish soldiers in European armies since the early twentieth century is well-documented. Indeed, modern

Israel is one of the few states which enforces mandatory military conscription for almost all citizens, men and women alike. In the eighteenth century, however, German thinkers and statesmen perceived many obstacles to the incorporation of Jews as soldiers in European armies.

We should not underestimate the importance of military culture in eighteenth-century Prussian society. As Russell F. Weigley has observed:

In a state that remained the least of the great powers in population and resources, it was only the strength and excellence of the army that preserved Prussia from reversion to the mere pawn and plaything of the stronger powers that Brandenburg had been during the Thirty Years War.¹²

The ideas of civic virtue and military service were closely connected in eighteenth-century Prussia. In his influential pamphlet *Vom Tode für das Vaterland* (1761), Thomas Abbt imagines a citizenry united by a common love for the fatherland — symbolised by a willingness to die for one's country in war. As Jörn Leonhard has observed: 'Auf die Situation des Krieges angewandt, konnte es keine Separierung von Volk und Militär mehr geben, sondern allein die Identität von Bürger und Soldat'.¹³ In Abbt's words:

Alles vereinigt sich, und stellt sich unter dem vormals so herrlichen Namen eines Bürgers dar. Dann ist jeder Bürger ein Soldat, jeder Soldat ein Bürger, und jeder Edelmann und Bürger, wie man will.¹⁴

The Jews' alleged inability to become soldiers was seen as the ultimate barrier standing between them and the rights of a citizen. Dohm's pamphlet had succeeded in shifting the discussion away from the Jews' alleged misanthropy. However, according to his opponents, even if the Jews were not inherently degenerate or incapable of *Menschenliebe*, this did not automatically mean they could fulfil the duties of citizenship in a modern state. In fact, Dohm had anticipated this line of argument. In his treatise, he explains:

¹² Russell F. Weigley, *The Age of Battles: The Quest for Decisive Warfare from Breitenfeld to Waterloo* (Bloomington, IN: Indiana University Press, 2004), p. 458.

¹³ Jörn Leonhard, *Bellizismus und Nation: Kriegsdeutung und Nationsbestimmung in Europa und den Vereinigten Staaten, 1750–1914* (Munich: Oldenbourg Verlag, 2008), p. 195.

¹⁴ Thomas Abbt, *Vom Tode für das Vaterlande* (Berlin, 1761), p. 16.

Der erheblichste Grund, aus dem man die Unfähigkeit der Juden zu völlig gleichen Rechten mit den übrigen Bürgern des Staats folgern könnte, ist wohl dieser, daß man glaubt, die Juden würden durch ihre Religion abgehalten, Kriegsdienste zu thun, weil diese ihnen am Sabbath zu fechten und weite Märsche untersage, auch die Juden bei der Armee nicht ihre gottesdienstliche Zeiten und Gebräuche gehörig abwarten könnten. Jeder Bürger, setzt man hinzu, muß im Nothfall zur Vertheidigung des Staats sich gebrauchen lassen; eine zahlreiche Nation kann keine Befreyung von dieser wichtigen, für die ganze Erhaltung des Staats so nothwendigen Pflicht verlangen, und eine Religion, welche die Erfüllung derselben ihren Verehrern untersagt, ist mit dem Wohl der Gesellschaft unverträglich.¹⁵

Dohm answers objections to Jewish military service using historical examples. Employing the example of the Romans, whose armies contained entire Jewish battalions, he points out that Jews have proven themselves capable of being soldiers throughout history.¹⁶ Citing Maimonides, Dohm explains that Jews are obliged to fight on the Sabbath even if only one life is endangered.¹⁷

Dohm's arguments were fiercely rejected by Michaelis. According to Michaelis, Dohm's use of Maimonides does not strengthen his argument, since Maimonides considered it permissible to fight defensive battles only on the Sabbath. Mockingly, Michaelis cites the example of Pompey's conquest of Jerusalem.¹⁸ According to Josephus, the Jewish general and Roman historian, Pompey avoided directly attacking the Jews on the Sabbath. Instead, he used that day to advance his siege engines, since he knew that Jews were not permitted to resist such preparatory activities.¹⁹

Michaelis mentions an additional problem about Jewish law. He argues that legal restrictions concerning kosher and non-kosher food prevent Jews from fighting in mixed armies. Michaelis concludes that Jews cannot contribute soldiers to the state so long as they refuse to change their religious views. Implicitly, Michaelis challenges the Jews to consider religious reform.²⁰

Michaelis was the first of several thinkers to raise this objection to Jewish military participation.²¹ For the opponents of Jewish emancipation, military service was more than

¹⁵ Dohm, *Verbesserung* [1781], p. 73.

¹⁶ *Ibid.*, p. 75–76.

¹⁷ *Ibid.*, p. 77.

¹⁸ Michaelis, 'Beurtheilung', *Verbesserung* [1783], p. 144.

¹⁹ Louis H. Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian* (Princeton: Princeton University Press, 1993), p. 161.

²⁰ Michaelis, 'Beurtheilung', *Verbesserung* [1783], pp. 142–43.

²¹ For example, see Hartmann, *Untersuchung*, p. 53.

simply a matter of moral duty. They feared the practical consequences of granting Jews civil rights without enforcing military service.

Let us take, for instance, an obscure letter published in *Schlözers Briefwechsel* (1782).²² Citing the example of the Seven Years' War, the anonymous writer argues that entire towns and villages could fall into Jewish hands if they were exempted from the draft while Christians died fighting for their fatherland. Eventually, Christian soldiers would return home only to find that they no longer had jobs available to them. This would result in fewer Christian marriages and therefore a declining Christian population. The author argues that Jewish equality of rights poses an existential threat, not only to Christianity, but to the entire Prussian state. He describes the Prussian state as a military state (*militärischer Stat*), which relies on its powerful military for survival. A declining Christian population would be catastrophic for the state: *Wo würden sie nun Rekruten, zu Retablirung der zur Beschützung eines militärischen Stats notwendigen Armeen, hernemen?*²³

Thinkers such as Michaelis certainly harboured anti-Jewish prejudices, which they sometimes cloaked in pseudo-pragmatic arguments. As the American psychologist William James once said: 'A great many people think they are thinking when they are merely rearranging their prejudices'.²⁴ Nonetheless, we should not dismiss all accusations levelled against Jews during this period as irrational Jew-hatred: one of Prussia's other minority groups, the Mennonites, were also frequently confronted with the challenge of meeting the demands of the state. The Mennonites were pacifists. They were expelled from Prussia in 1732 by Frederick William I after Mennonite leaders appealed for exemption from military service. Although the 1732 decree was rescinded by Frederick the Great, the Mennonites saw frequent changes to their legal status. In 1789, Frederick William II issued the Edict for the Future Regulation of Mennonite Affairs. This document highlighted the importance of military service and the state's ability to defend itself. It declared that

²² Open letter, 20 October 1781, in *Schlözers Briefwechsel, meist historischen und politischen Inhalts*, ed. by August Ludwig Schlözer, 10 vols (Göttingen, 1777–82), X (1782), 250–55.

²³ *Ibid.*, p. 252.

²⁴ Quoted in Gillian Butler and Freda McManus, *Psychology: A Very Short Introduction* (Oxford: Oxford University Press, 1998), p. 47.

Mennonite families were not permitted to acquire more land unless they fulfilled their military obligations.²⁵

Mendelssohn's reply to Michaelis

The first Jewish response to the objection raised by Michaelis came from Moses Mendelssohn. Like Michaelis' *Beurtheilung*, Mendelssohn's reply was reprinted in the second volume of Dohm's *Über die bürgerliche Verbesserung der Juden* (1783).²⁶ Given the success of Dohm's pamphlet, Mendelssohn's reply must have drawn a wide readership.

Mendelssohn discusses the military question near the end of his text. He asks why Jews face more legal barriers than pacifist groups, such as the Mennonites and Quakers, who also cannot contribute soldiers. Although he does not explicitly say so, Mendelssohn clearly believes that Michaelis' review carries anti-Jewish bias. In the final paragraph, he offers his most succinct argument against Michaelis' political objection to Jewish law:

Die Gesetze [des Staats] sollen überhaupt keine Rücksicht auf besondere Meynungen nehmen. Sie sollten ihren Weg unaufhaltsam fortgehen, und das vorschreiben, was dem allgemeinen Besten zuträglich ist, und wer zwischen seinen besonderen Meinungen und den Gesetzen eine Collision findet, mag zusehen, wie er diese heben kann. Soll das Vaterland vertheidiget werden, so muß jeder hinzueilen, dessen Beruf es ist. Die Menschen wissen in solchen Fällen schon ihre Meynungen zu modificiren, und so zu wenden, daß sie mit ihrem bürgerlichen Berufe übereinstimmen.²⁷

In Mendelssohn's view, the state should not concern itself with accommodating the religious practices of its citizens. The state's only task is to establish civil law with the aim of furthering the common good. If Jewish religious principles come into conflict with the laws of the state, then this conflict must be resolved by the Jewish individual, not the state. In other words, if the state demands universal military service of its citizens, then the Jews

²⁵ Peter J. Klassen, *Mennonites in Early Modern Poland and Prussia* (Baltimore: John Hopkins University Press, 2009), p. 172.

²⁶ Moses Mendelssohn, 'Anmerkungen über diese Beurtheilung von Hrn. Moses Mendelssohn', in *Verbesserung* [1783], pp. 155–57.

²⁷ *Ibid.*, p. 157.

must find a way to obey. Implicitly, Mendelssohn advances an argument against the common practice of pre-emptively excluding Jews from citizenship.

Mendelssohn's seemingly casual response has puzzled commentators. Mendelssohn is usually read as a sincere defender of the Jewish tradition, who maintained the divine origin of Jewish law. In his magnum opus of political theory, *Jerusalem oder über religiöse Macht und Judentum* (1783), Mendelssohn claimed that the Jews would prefer to give up the benefits of civic union (*bürgerliche Vereinigung*) rather than depart from their divine laws.²⁸ In his reply to Michaelis, however, Mendelssohn seems to be talking not about indissoluble laws but about personal convictions, which can be modified in the case of conflict with the demands of the state.

For Allan Arkush, Mendelssohn's reply to Michaelis proves that Mendelssohn 'was, at bottom, much less orthodox in his approach to the law than he often strives to appear to be'.²⁹ He explains:

It shows him to have been more concerned, in the end, with the Jews obtaining the opportunity to be equal citizens — whatever its costs — than with ensuring, as far as possible, their punctilious observance of all of the commandments.³⁰

Whether Mendelssohn was faithful to traditional Judaism is a question I shall return to in the next chapter, where I discuss Mendelssohn's answer to Friedrich August Crazz's philosophical objection to Judaism. In this section, I limit my discussion to Mendelssohn's response to Michaelis.

The apparent contradiction in Mendelssohn's thinking can be avoided if his reply to Michaelis is read as an application of the Talmudic dictum *dina de-malkhuta dina* ('the law of the state decides'), which I briefly mentioned in Chapter 2. This was a dictum upon which Mendelssohn drew on other occasions, notably in *Jerusalem*, as I discuss below.

This principle developed in the third century CE in response to the demands and challenges to organised Jewish life in the diaspora. It became the basis for defining church-state relations in Jewish law. *Dina de-malkhuta dina* holds that the law of the country is

²⁸ Moses Mendelssohn, *Jerusalem, oder über religiöse Macht und Judentum*, JubA, VIII, pp. 99–204 (p. 200).

²⁹ Allan Arkush, *Moses Mendelssohn and the Enlightenment* (Albany, NY: State University of New York Press, 1994), p. 274.

³⁰ *Ibid.*, p. 273.

binding and must be recognised by religious authorities. It guides halakhic considerations in situations where Jewish law conflicts with the laws of the state.

As several scholars have noted, the halakhic position is not that state law could simply overrule religious law, for this would nullify a sizable portion of Jewish law.³¹ Rather, the principle means that ‘all laws pertinent to the state’s mission remain within the purview of the state’.³² David Novak has aptly described the principle as ‘a legitimate authorization of limited secularity for Jews; not an illegitimate surrender to unlimited secularism’.³³ It is essential that we take this qualification into account, since, as we shall see, it may help us understand why Mendelssohn was willing to depart from some Jewish laws and not others.

During the Middle Ages, the principle *dina de-malkhuta dina* remained limited in scope. Since European Jewish communities retained a high degree of autonomy in their legal affairs, *dina de-malkhuta dina* was usually applied in cases of real estate ownership and taxation, since it was assumed that the state was the rightful owner of the land in its domain. With the emergence of the early modern state, which saw rapid legal and administrative centralisation, the principle took on a more expansive role.³⁴ It came to be defined as a general submission to kingship. Several important caveats were introduced. First, the principle could only be applied to laws that were promulgated to further the state’s interests. Second, it was agreed that the relevant civil laws must apply equally to all the state’s citizens, not only to Jews.³⁵ Maimonides writes:

The general rule is: any law promulgated by the king to apply to everyone and not to one person alone is not deemed robbery. But whatever he takes from one particular person only, not in accordance with a law known to everyone but by doing violence to this person, is deemed robbery.³⁶

Let us be clear about the dual purpose of *dina de-malkhuta dina*. As Gil Graff points out: ‘The principle not only served as a means of accommodation to the will of the

³¹ On this subject, see Herschel Schachter, ‘“Dina De’malchusa Dina”: Secular Law as a Religious Obligation’, *Journal of Halacha and Contemporary Society*, 1 (1981), 103–32.

³² Willi Goetschel, *The Discipline of Philosophy and the Invention of Modern Jewish Thought* (New York: Fordham University Press, 2013), p. 205.

³³ David Novak, *The Jewish Social Contract: An Essay in Political Theology* (Princeton: Princeton University Press, 2005), p. 121.

³⁴ Graff, *Separation of Church and State*, pp. 2–3.

³⁵ Shmuel Shilo, ‘Equity as a Bridge between Jewish and Secular Law’, *Cardozo Law Review*, 12 (1991), 737–51 (p. 739).

³⁶ Moses Maimonides, *Mishneh Torah*, Laws of Robbery and Lost Property, 5: 14.

monarch, but it was interpreted so as to provide a legal basis for resistance to the arbitrary demands of the ruling power'.³⁷

In *Jerusalem*, Mendelssohn invokes *dina de-malkhuta dina* to demonstrate that there are fundamental limitations to the reach of the state.³⁸ He discusses a divorce case involving a husband who converted from Judaism to Christianity and wanted the state to uphold the terms of marriage.³⁹ Mendelssohn argues that the valid terms of a contract must be those to which the contracting parties originally agreed, i.e. Jewish law. The state is not permitted to enter into the regulation of Jewish marriage, since this does not pertain to the state's mission.

In his reply to Michaelis, however, Mendelssohn uses *dina de-malkhuta dina* to affirm the secular reach of the state. This has not been recognised in previous scholarship. Unlike Allan Arkush, I do not believe that Mendelssohn was willing to completely abandon the traditional Jewish way of life in a desperate attempt to gain citizenship. Instead, it is my contention that Mendelssohn accepted the validity of the state's decision to impose compulsory military service, since it could not be denied that military service was pertinent to the state's mission. In other words, Mendelssohn recognised that Jews could not expect equality of rights if they were not willing to fulfil the fundamental obligations of citizenship.

It is important to recognise that Mendelssohn's comments about the Jews' ability to become soldiers do not constitute a radical departure from traditional Judaism. In the nineteenth century, Moses Schreiber, the father of ultra-orthodox Judaism, made explicit what had been implicit in Mendelssohn's writing: he invoked *dina de-malkhuta dina* to classify military service as a form of taxation, thus legally categorising it as a law pertinent to the state's mission.⁴⁰

In the following discussion, which looks at the Austrian context, I will show that Mendelssohn laid the foundation for a new way of thinking and discussing the demands of Jewish law. German commentators such as Michaelis had raised awareness of the halakhic

³⁷ Graff, *Separation of Church and State*, p. 2.

³⁸ On this subject, see Goetschel, *The Discipline of Philosophy*, pp. 204–06. See also H. C. Hillier, 'The Rationalism of Jewish Law in Moses Mendelssohn', *Canadian Theological Review*, 2 (2013), 87–106.

³⁹ Mendelssohn, *Jerusalem*, p. 118.

⁴⁰ Derek Penslar, *Jews and the Military: A History* (Princeton: Princeton University Press, 2013), p. 43.

difficulties posed by military service in Christian armies. Mendelssohn swept these objections aside, maintaining that this was a matter for the Jewish community itself to resolve.

The Austrian context

Military reform was a key priority for Maria Theresa (1717–1780) and Joseph II (1741–1790), prompted by successive military defeats suffered by the Habsburg Empire. In 1770, under the influence of State Chancellor Kaunitz, the Habsburg government introduced a centralised recruitment system. Like the Prussian model, the Austrian *Konskriptionssystem* guaranteed that the upper social strata would remain exempt from military service. Instead, recruits were drawn from the lower classes, especially the peasant population.⁴¹ The Jews, however, were completely banned from the armed forces. Maria Theresa's attitude towards Jews was hostile to say the least. As she herself declared: 'Von ihrer Zulassung zum Heer kann keine Rede sein!'⁴² Jews were forced to pay a special tax of 50 Gulden, which was designed to finance replacements.⁴³

The situation of the Habsburg Jews changed dramatically during the reign of Joseph II. Unlike his mother, Joseph II was a fierce advocate of religious toleration. Paul Bernard has written: 'Upon Maria Theresa's death in November 1780, the question no longer was whether religious toleration would be introduced but rather what religions or sects would be tolerated'.⁴⁴

On 2 January 1782, Joseph enacted his famous Patent of Toleration, which removed many legal restrictions on Jews without, however, granting them the rights of citizenship. They continued to be classified as a tolerated minority and were required to pay additional

⁴¹ Michael Hochedlinger, 'The Habsburg Monarchy: From "Military-Fiscal State" to "Militarization"', in *The Fiscal-Military State in Eighteenth-Century Europe*, ed. by Christopher Storrs (Farnham: Ashgate, 2009), pp. 55–95 (p. 84).

⁴² Quoted in Johann Christoph Allmayer-Beck and Erich Lessing, *Das Heer unter dem Doppeladler. Habsburgs Armeen 1718–1848* (Munich: [n.pub], 1981), p. 151.

⁴³ Erwin A. Schmidl, *Habsburgs jüdische Soldaten: 1788–1918* (Vienna: Böhlau, 2014), pp. 25–26.

⁴⁴ Paul Bernard, 'Joseph II and the Jews: The Origins of the Toleration Patent of 1782', *Austrian History Yearbook*, 4–5 (1968–69), 101–19 (p. 102).

taxes. Certain restrictions remained in place; for example, Jews were also only allowed to settle in lower Austria outside of Vienna if they established a factory approved by the government. While many *maskilim* celebrated the reforms introduced by Joseph — notably Naphtali Wessely — there were, as we shall see, dissenting voices.⁴⁵

Joseph II's reform attempts were not solely — or even primarily — motivated by humanitarian concerns. The Habsburg Empire's Jewish population had significantly increased with the acquisition of Polish Galicia in 1772. By 1787 around 370,000 Jews lived in Austrian lands.⁴⁶ In exchange for toleration, Joseph II wanted the Jews to become useful subjects. As early as 1781 he had declared his views in regard to this matter:

Meine Absicht [...] geht keineswegs dahin, die jüdische Nation in den Erbländen mehr auszubreiten, aber da wo sie ist und in dem Maße, wie sie als toleriert besteht, dem Staate nützlich zu machen.⁴⁷

On 18 February 1787, Joseph ordered the Jews of Galicia to be recruited as drivers in the service corps and the artillery. They were granted the right to form their own *Kamaradschaften*, so that they would be able to observe their dietary laws.⁴⁸ Four months later, Joseph extended conscription to cover all Jews. It is estimated that 2500 Jews were serving in Austria's military by the end of 1788.⁴⁹ In response to the concerns of his War Council, Joseph stated:

Ohne weitere Modalitäten soll der Jud als Mensch, als Mitbürger zu allem denjenigen verwendet werden, was jedem anderen obliegt, seine Religion wird dadurch nicht gekränkt, weil ihm freigelassen werden muß das zu essen, was er will und er zu nichts anderem am Sabbath verhalten werden muß, als was die Noth fordert und was auch der Krist am Sonntag zu thun schuldig ist.⁵⁰

⁴⁵ See, for example, Naphtali Herz Wessely, *Worte der Wahrheit und des Friedens an die gesammte jüdische Nation. Vorzüglich an diejenigen, so unter dem Schutze des glorreichen und großmächtigen Kaisers Josephs des Zweyten wohnen* (Vienna, 1782).

⁴⁶ Hochedlinger, 'The Habsburg Monarchy', p. 93.

⁴⁷ Quoted in Karl Gutkas, *Kaiser Joseph II: eine Biographie* (Vienna: Zsolnay, 1989), p. 289.

⁴⁸ Michael K. Silber, 'From Tolerated Aliens to Citizen-Soldiers: Jewish Military Service in the Era of Joseph II', in *Constructing Nationalities in East Central Europe*, ed. Pieter M. Judson (New York: Berghahn, 2005), pp. 19–36 (pp. 24–25).

⁴⁹ Josef Karniel, *Die Toleranzpolitik Kaiser Joseph II.* (Gerlingen, [n.pub], 1985), p. 451.

⁵⁰ Quoted in Ludwig Singer, 'Zur Geschichte der Juden in Böhmen in den letzten Jahren Josefs II. und unter Leopold II', *JGGJC*, 6 (1934), 193–284 (p. 239).

What was the Jewish response to these developments? Perhaps unsurprisingly, the immediate response was negative, at least amongst Galician Jews. As Michael K. Silber has shown, the traditional rabbinic leadership was concerned with the social constraints on religious life in the army. Their worries ‘focused on the lack of time and resources to fulfil basic religious requirements; the imposed uniformity and hierarchy of the military; the pressure of peers so typical of army life; the exposure and close contact with non-Jews’.⁵¹

The Galician response was not, however, representative of all Jewish circles. Their complaints to the Emperor attracted fierce criticism from Austrian and Prussian *maskilim*, who wanted to settle the question of Jewish military service once and for all. In the previous section, I explored Mendelssohn’s reply to Michaelis, showing that his thinking was consistent with the Talmudic dictum *dina de-malkhuta dina*. As we are about to see, Mendelssohn laid the groundwork for a discussion of this topic.

One of the earliest pamphlets to confront this issue was written by a non-Jewish thinker, O. E. Kling.⁵² In his text, *Soll der Jude Soldat werden?* (1788), Kling accuses the Galician Jews of trying to take advantage of the Emperor’s willingness to respect their freedom of religion.⁵³ He attacks the Galician rabbis for wilfully misunderstanding Moses, whose laws, he argues, were never intended to stand in the way of mankind’s happiness.⁵⁴

Kling provides several arguments in favour of the Jews becoming soldiers. He claims that every true (*wahre*) religion should promote the welfare of the state, since the state guarantees religious communities security and freedom.⁵⁵ Kling lays particular stress on the Talmudic rule of patriotism, which states that Jews should express patriotic allegiance to their adopted homeland. Although the rule of patriotism differs slightly from the principle *dina de-malkhuta dina*, they are often bracketed together.⁵⁶

Kling’s pamphlet includes a letter written by the Jews of Trieste. They also emphasise the rule of patriotism: ‘Unsere Talmudisten befehlen überhaupt, der Regierung und dem Vaterland, deren Schutz wir genießen Glück und Heil zu befördern’.⁵⁷ Kling concludes

⁵¹ Silber, ‘From Tolerated Aliens to Citizen-Soldiers’, p. 29.

⁵² O. E. Kling, *Soll der Jude Soldat werden?* (Vienna, 1788).

⁵³ *Ibid.*, p. 4.

⁵⁴ *Ibid.*, p. 6.

⁵⁵ *Ibid.*, p. 7.

⁵⁶ Isidore Singer and Henry Cohen, ‘Patriotism’, in *The Jewish Encyclopedia*, ed. by Isaac Funk, 12 vols (New York: Funk & Wagnalls, 1901–06), IX, pp. 561–62.

⁵⁷ Kling, *Soll der Jude Soldat werden?*, p. 13.

his pamphlet by quoting Mendelssohn's reply to Michaelis, implying that Mendelssohn clearly would have agreed with him.⁵⁸

Kling's pamphlet was fiercely attacked by a young *maskil*, Saul Ascher (1767–1822).⁵⁹ Like Kling, Ascher has very little positive to say about the Galician Jewish community. He agrees with Kling that Jews can in theory fight as soldiers. Quoting Mendelssohn, Ascher explains: 'Auch ich behaupte mit Mendelssohn, mit allen Rabbinen, mit der ganzen Welt, und denn auch mit dem Herrn Kling: daß der Jude Soldat seyn kann'.⁶⁰ Kling's error, in Ascher's view, is that he did not answer the relevant question: the mere fact that Jews *can* be soldiers does not mean they *should* be soldiers in the Austrian army.

For Ascher, the question 'should Jews be soldiers?' has both a moral and a practical dimension. In his reply to Michaelis, Mendelssohn had stated: 'Soll das Vaterland vertheidiget werden, so muß Jeder hinzueilen, dessen Beruf es ist'. Ascher argues that the Habsburg Empire cannot be regarded as a fatherland for the Jews. The problem with Joseph's reforms, according to Ascher, is that the Jews are now required to fulfil the duties of citizenship without having received the corresponding rights; they have been compelled to fight during times of war — in the war against the Turks — without previously having enjoyed the civic benefits that come in times of peace:

Der Kaiser ist in seinem Verfahren gegen die Juden unbillig. Kann er von ihnen eine Pflicht fodern, die er mit so vielem Rechte von seinen übrigen Unterthanen fodern kann? Hat er sich den Juden schon so verpflichtet, als seinen übrigen Unterthanen? Ist den Juden durch seine Staaten je der Vortheil zugeflossen, als er es seinen übrigen Unterthanen ist? Alle diese Fragen wird man mir mit Nein! beantworten müssen.⁶¹

It should be observed that Mendelssohn, who died in 1786, might have agreed with Ascher on this point. At the very least, he was suspicious about the underlying motives of

⁵⁸ *Ibid.*, p. 16.

⁵⁹ Saul Ascher, *Bemerkungen über die bürgerliche Verbesserung der Juden. Veranlaßt bei der Frage: soll der Jude Soldat werden?* (Frankfurt a. d. O., 1788). Scholars have only recently begun investigating this text. See, for example, William Hiscott, *Saul Ascher. Berliner Aufklärer: Eine philosophiehistorische Darstellung*, ed. by Christoph Schulte and Marie Behrendt (Hannover: Wehrhahn, 2017), pp. 259–84; Bernd Fischer, *Saul Aschers politische Schriften* (Vienna: Böhlau, 2016), pp. 21–29. Older literature only offers brief summaries. See, for example, Walter Grab, 'Saul Ascher: Ein jüdisch-deutscher Spätaufklärer zwischen Revolution und Restauration', *Jahrbuch des Instituts für deutsche Geschichte*, 6 (1977), 131–79 (pp. 139–41).

⁶⁰ Ascher, *Bemerkungen*, p. 83.

⁶¹ *Ibid.*, p. 23.

Joseph's actions. In a letter to Herz Homberg, Mendelssohn voiced his concern that Joseph's reforms were not motivated by wisdom and *Menschenliebe*, but rather by the hope that Jews might eventually convert to Christianity:

Von der Toleranz, welche in allen Zeitungsblättern so sehr herrscht, habe ich bey weitem noch die günstige Meinung nicht, die Sie davon zu erkennen geben. So lange noch das Vereinigungssystem im Hinterhalte lauert, scheint mir diese Toleranzgleißnerey noch gefährlicher als offene Verfolgung.⁶²

In Ascher's opinion, Joseph was incorrect to assume that forcing Jews to become soldiers would have the desired effect of transforming them into useful subjects of the state. Dohm had promised that Jews would become patriotic once they saw themselves as fully integrated members of society, but not before. Likewise, Ascher argues that the Jews had yet been given the opportunity to develop a sense of political morality (*politische Moralität*), which he defines as 'das Bewußtseyn gewisser Pflichten, die man dem Oberhaupte zu leisten sich schuldig hält'.⁶³ Joseph's entire programme of regeneration, according to Ascher, is destined to fail if the Jews do not receive corresponding civic rights and thereby develop a sense of patriotism: 'Patriotismus — Vaterland — wie wenig kennt der Juden den Werth, den diese Worte in dem Munde eines jeden Bürgers des Staats haben, wie wenig wirken sie auf ihn!'⁶⁴

Ascher's fears were short-lived. In 1789, Joseph issued the *Judenpatent* for Galicia, which, according to Michael K. Silber, 'propelled the Jews of the Monarchy into the modern era'.⁶⁵ The *Judenpatent* guaranteed Galician Jews the same rights as Christians. It also guaranteed the Jews unhindered practice of the Jewish religion, except those practices deemed incompatible with state law, such as the Jews' independent communal autonomy.⁶⁶

In the same year, 1789, it is possible to witness a shift in the attitude of the Jewish traditionalists. An illuminating example is Rabbi Yechezkel Landau (1713–1793). Rabbi Landau was not a friend of the *maskilim*. On the contrary, he was one of the most outspoken

⁶² Moses Mendelssohn to Herz Homberg, 1 March 1784, *JubA*, XIII, p. 179.

⁶³ Ascher, *Bemerkungen*, p. 72.

⁶⁴ *Ibid.*, p. 25.

⁶⁵ Michael K. Silber, 'The Making of Habsburg Jewry in the Long Eighteenth Century' in *The Cambridge History of Judaism*, Vol. 7, ed. by Jonathan Karp and Adam Sutcliffe (Cambridge: Cambridge University Press, 2017), pp. 763–92 (p. 790).

⁶⁶ Nancy Sinkoff, *Out of the Shtetl: Making Jews Modern in the Polish Borderlands* (Providence, RI: Brown University Press, 2004), p. 217.

opponents of the younger generation of Jewish enlighteners. In 1782, he publicly accused Wessely of being a heretic following the publication of Wessely's book on education reform *Divrei shalom ve'emet*.⁶⁷ However, on 12 April 1789, Rabbi Landau gave a remarkable speech to several Jewish recruits of the Austrian army:

Meine Brüder, die ihr immer meine Brüder waret, noch itzt es seyde, und immer seyn werdet, so lange ihr fromm und rechtschaffen handelt! Gott und unser allergnädigster Kaiser will, daß ihr zum Militairdienste genommen werden sollt. Schickt euch daher in euer Schicksal, folgt ohne Murren, gehorcht euern Vorgesetzten. Seyd treu aus Pflicht und geduldig aus Gehorsam. Vergeßt aber nicht eure Religion. Schämt euch nicht Juden unter so vielen Christen zu seyn. [...] Wenn ihr Zeit haben werdet, so betet alles das, was ein jeder Jude, wie ihr bereits wißt, zu beten schuldig ist. [...] Schabbat könnt ihr auch halten, weil ihr, wie ich höre, meistens an diesem Tage rasten werdet. [...] Lebet in Eintracht mit euern christlichen Kameraden. Sehet, daß ihr sie euch zu Freunden machet. [...] Von allen unerlaubten Speisen enthaltet euch so lang als möglich. [...] Sollte jemand von euch krank werden, so suche er sich so lange als möglich durch Thee zu erhalten, bis es die Noth erfordert, daß ihr Fleischbrühe zu euch nehmen müsset. [...] Gott wird euch nichts Böses zukommen lassen, und Plage wird fern seyn von euren Zelten. Er wird seine Engel vor euch hersenden, die euch hüten werden. Sie werden euch auf ihren Flügeln tragen. Nur gebet Achtung, dass euer Fuß nicht strauchelt, ihr nicht mit Muthwillen Gesetze der Religion übertretet.⁶⁸

It is impossible to mistake the sorrow and resignation in Rabbi Landau's words. He was fully aware that the Jewish recruits would face difficulties following the ceremonial laws, and that they would confront temptations brought about by military life. Nonetheless, there is also a hint of pride in his words. He is encouraging the Jewish recruits to become friendly with their Christian comrades and countrymen. Landau's speech praises God and the Emperor. Both are deemed to be merciful. Landau ends his speech with a warning: do not deliberately transgress the laws, which is all that God expects.

The opponents of Jewish emancipation had underestimated traditional Judaism's ability to cope with the stress of modernity. In response to Dohm, Friedrich Traugott Hartmann had written:

Ich getraue mir heute zu Tage eine gute Anzahl Juden, die aber im Grunde nicht mehr Juden sind, aufzutreiben, welche alle Stunden, es sei defensive oder

⁶⁷ Shmuel Feiner, *The Origins of Jewish Secularization in Eighteenth-Century Europe*, trans. by Chaya Naor (Philadelphia: University of Pennsylvania Press, 2010), p. 171.

⁶⁸ Reprinted in *Allgemeine Deutsche Bibliothek*, vol. 94 (1790), pp. 582–83.

offensive, fechten sollen; ich getraue mir aber deswegen doch nicht zu behaupten, daß alle Juden dieser Pflicht fähig sind.⁶⁹

Hartmann believed that no Jew who remained faithful to his Jewish roots could become a soldier in a European army. Like Michaelis, Hartmann could only regard Judaism through the eyes of a Christian. He saw only a static religious structure, and therefore could not perceive Judaism as a dynamic product of history, culture and evolution.⁷⁰

Prussian intellectuals kept a close eye on political developments in Austria. Already in 1788 Prussian publications referred to the letter from the Jews of Trieste as an example of Jewish patriotism.⁷¹ Speaking of Joseph's conscription reforms, Christian Ernst Wunsch exclaimed: 'Man hätte es nie gedacht, daß dieser Versuch so gut gelingen würde! In kurzer Zeit ließ sich eine Menge von diesem Volke zum Soldatenstande einschreiben'.⁷² The most resounding praise, however, was reserved for Landau. After initially being published in *Ha-Me'assef*, Landau's speech was reprinted in several German-language publications, including the famous *Allgemeine Deutsche Bibliothek*.⁷³ It deserves to be counted amongst the most important sources relating to the Jewish question in the late eighteenth century:

Diese Rede ungekünstelt, aber desto herzlicher, in welcher Anhänglichkeit an Vaterglauben und Eifer fürs Vaterlandswohl so glücklich gepaart, Religion und Aufklärung so schwesterlich verbunden waren, verdient ohne Zweifel ihrem ganzen Inhalt nach, bekannt gemacht zu werden.⁷⁴

Note the author's contention that Landau's speech was an example of patriotic virtue. To some, Landau's words were incontrovertible proof that Jews were ready for citizenship. Michaelis' political objection to Jewish citizenship had been successfully rebutted:

⁶⁹ Friedrich Traugott Hartmann, *Untersuchung ob die bürgerliche Freiheit den Juden zu gestatten sei* (Berlin, 1783), p. 53.

⁷⁰ On the concept of Dynamic Judaism, see the writings of Mordecai Kaplan in *Dynamic Judaism: The Essential Writings of Mordecai M. Kaplan*, ed. by Emanuel S. Goldsmith and Mel Scult (New York: Fordham University Press, 1985)

⁷¹ See, for example, Anonymous, 'Juden können auch patriotisch denken' in *Neue Bunzlauische Monatschrift zum Nutzen und Vergnügen*, 5 (1788), 276–78.

⁷² Christian Ernst Wunsch, *Rabinismus oder Sammlung talmudischer Thorheiten* (Amsterdam 1789), p. 213.

⁷³ For example, *Chronik von Berlin oder Berlinische Merkwürdigkeiten: eine periodische Volksschrift*, ed. by Tlantaquatlaplatli (Heinrich W. Seyfried), 12 vols (Berlin, 1789–92), III (1789), pp. 928–31; *Deutsche Zeitung: Oder Moralische Schilderungen der Menschen, Sitten und Staaten unsrer Zeit*, ed. by Rudolf Zacharias Becker, (Gotha, 1784–95), VI (1789), p. 199; *Auszüge aus den Berichten des reisenden Mitarbeiters bey dem jüdischen Institut*, ed. by Justus Israel Beyer, 15 vols (Halle, 1777–91), XIV (1791), pp. 25–30; *Allgemeine Deutsche Bibliothek*, vol. 94 (Berlin, 1790), pp. 582–84.

⁷⁴ *Auszüge aus den Berichten des reisenden Mitarbeiters*, p. 26.

Hier haben sie die Beschreibung einer Scene, die wohl die erste ihrer Art ist; so wie diese Ermahnungsrede eines jüdischen Rabbi an seine in den Krieg gehende Mitbrüder abermals ein Beweis von der Geringfügigkeit jener Hindernisse ist, die manche so gern in der jüdischen Religion finden wollen, um ihre Anhänger vom Kriegesdienste, und darum auch vom Bürgerrecht und Bürgerfreyheit auszuschließen.⁷⁵

Mendelssohn's influence on these developments can be clearly detected. I have already shown that his reply to Michaelis was quoted in several contexts. In *Chronic von Berlin* (1789), an anonymous author explains that Landau's speech is strong evidence that the Enlightenment has finally reached Jewish circles. After quoting Landau's speech in full, the author states that Mendelssohn should be praised for his remarkable contributions to Jewish society. Mendelssohn was responsible for this momentous turning-point in Jewish history: 'Wirft man einen unpartheiischen Blick auf die vergangenen Zeiten zurück, so ergibt sich, daß unser jetzt verklärte Mendelssohn der Hauptquell von diesen so aufgeklärten jüdischen Zeitläuften war'.⁷⁶

David Friedländer's reform attempt

The same year which saw Joseph II order the Galician Jews to join the war effort, 1787, also saw the birth of a Jewish legal reform movement in Prussia, which lasted until 1792. One key area of contention between Jewish reformers and Prussian government officials was, unsurprisingly, the military issue. In the following discussion I shall examine the military question in the context of the Prussian reform movement (1787–92). The Prussian reform movement is an important, yet relatively understudied, phase in the pre-

⁷⁵ *Deutsche Zeitung*, VI, p. 199.

⁷⁶ *Chronic von Berlin*, III, p. 931.

emancipation period.⁷⁷ Few studies go beyond a brief summary of what occurred during these years; when they do, they tend to focus on the constitutional aspects.⁷⁸

The question of Jewish legal reform gained renewed traction after the death of Frederick the Great in 1786. Prussian Jews were cautiously optimistic that the new monarch, Frederick William II, might be more sympathetic to their interests than his predecessor. Leading the reform attempts between 1787 and 1792 was David Friedländer (1750–1834), a wealthy member of Berlin Jewry's economic elite.

Friedländer is often seen as the intellectual and spiritual heir of Moses Mendelssohn.⁷⁹ He became close friends with Mendelssohn upon his arrival in Berlin in 1771. They later collaborated on the Haskalah periodical *Ha-Me'assef*. Following Mendelssohn's death on 4 January 1786, Friedländer took on the role of mediator between the Jewish community and the Prussian government.

Highly regarded in his own day, Friedländer's reputation in Jewish historiography severely declined in the twentieth century, largely due to his ill-fated *Sendschreiben an Herrn Oberconsistorialrath und Probst Teller zu Berlin* (1799).⁸⁰ In this pamphlet, Friedländer proposed that he and a group of fellow Jews would convert to Christianity on the condition that they did not have to commit themselves to certain Christian dogmas, such as the divinity of Christ. Perhaps unsurprisingly, Friedländer's rejected proposal has become known as the ultimate example of opportunist assimilationism. The eminent nineteenth-century Jewish historian Heinrich Graetz accused Friedländer of being a 'Flachkopf' who betrayed Judaism.⁸¹

Even today, Friedländer's name is almost exclusively mentioned in this context. According to Shmuel Feiner, Friedländer was a leading representative of the Jewish

⁷⁷ See, for example, Tobias Schenk, 'Generalfiskal Friedrich Benjamin Loriol de la Grivillière d'Anières: Anmerkungen zu Vita, Amtsführung und Buchbesitz als Beitrag zur Erforschung preußischer Judenpolitik in der zweiten Hälfte des 18. Jahrhunderts', *Aschkenas*, 17 (2007), 185–223 (p. 207).

⁷⁸ The most useful introduction to the first reform period remains Ismar Freund, *Die Emanzipation der Juden in Preußen, unter besonderer Berücksichtigung des Gesetzes vom 11. März 1812*, 2 vols (Berlin: Popelauer, 1912), I, pp. 33–65. For a more recent attempt, see Marion Schulte, *Über die bürgerlichen Verhältnisse der Juden in Preußen: Ziele und Motive* (Berlin: de Gruyter, 2014), pp. 113–226.

⁷⁹ Richard Crouter, 'Introduction', in *A Debate on Jewish Emancipation and Christian Theology in Old Berlin*. David Friedländer, Friedrich Schleiermacher, Wilhelm Abraham Teller, ed. by Richard Crouter (Indianapolis: Hackett, 2004), pp. 1–30 (p. 4).

⁸⁰ On Friedländer's reputation amongst his contemporaries, see Uta Lohmann, 'Einführung', in David Friedländer, *Ausgewählte Werke*, ed. by Uta Lohmann (Cologne: Böhlau, 2013), pp. 7–22 (p. 9).

⁸¹ Heinrich Graetz, *Geschichte der Juden von den ältesten Zeiten bis auf die Gegenwart*, 12 vols (Leipzig, 1853–74), XI (1870), p. 171.

assimilationist intelligentsia: a group which ‘invested most of its energies into an attempt to penetrate the modern world and acquire the status of members of universal society while abandoning Jewish particularism’.⁸²

One important exception is a recent book by Uta Lohmann, which examines Friedländer’s influence on the Prussian Emancipation Edict of 1812.⁸³ Her study presents a man who tirelessly pursued the political emancipation of Jews, whilst seeking to guarantee the continued survival of Judaism at a time when many Jews had begun converting to Christianity.⁸⁴ My interpretation of Friedländer also attempts to rehabilitate Friedländer as a committed member of the Jewish community.

The reform movement began to gather pace after the death of Frederick II on 17 August 1786. Near the end of the same year, on 25 December 1786, Berlin’s Jewish community issued a petition to Frederick’s successor, Frederick William II, pleading for an amelioration of their condition. This petition was followed by another, on 6 February 1787, which requested the appointment of a commission to investigate the status of the Jewish community. The Prussian government granted this request. David Friedländer was one of three deputies to be selected for this role, alongside Isaak Daniel Itzig (1750–1806) and Liepman Meyer Wulff (1745–1812). On 21 February 1787, the Prussian government requested a detailed reform proposal. Less than three months later, the Jewish delegates submitted Friedländer’s *Pro Memoria* (1787).

The purpose of *Pro Memoria* was to investigate the condition of Prussia’s Jewish population, and to offer recommendations concerning civil improvement.⁸⁵ Friedländer and the other delegates aimed at the complete repeal of the laws contained in the General Code of 1750:

Diese enthalten eben die Fesseln und Bande, die unsre Wirksamkeit gehemmt, die den Gebrauch unserer Kräfte auf den Handlungszweig allein eingeschränkt, und

⁸² Shmuel Feiner, ‘Mendelssohn and “Mendelssohn’s Disciples”’: A Re-examination’, *Leo Baeck Institute Yearbook*, 40 (1995), 133–67 (p. 147).

⁸³ Uta Lohmann, *David Friedländer. Reformpolitik im Zeichen von Aufklärung und Emanzipation: Kontexte des preußischen Judenedikts vom 11. März 1812* (Hannover: Wehrhahn, 2013).

⁸⁴ *Ibid.*, pp. 517–20.

⁸⁵ David Friedländer, *Pro Memoria der Deputirten der sämtlichen Jüdischen Kolonien in den Preußischen Staaten*, printed in *Akten-Stücke die Reform der Jüdischen Kolonien in den Preußischen Staaten betreffend*, ed. by David Friedländer (Berlin, 1793), pp. 53–116 (p. 54).

durch diese Einschränkungen uns dem Staate weniger nützlich gemacht haben, als wir ihm, bey der freyen Uebung aller Fähigkeiten, hätten werden können.⁸⁶

Pro Memoria is divided into three main parts. The first part offers a detailed description of the disabilities and restrictions faced by Jews in Prussia, alongside practical arguments against them. The second part tackles the burden of collective responsibility. The third discusses trade. My discussion will concentrate on the second part, which contains Friedländer's major theoretical contribution, including his comments about military service.

According to the regulations then in effect, Jews were held collectively responsible for the payment of taxes and any crimes committed by members of the community. This was due to their legal status as a corporate entity. As Hasia R. Diner says: 'Before emancipation, the Jew as an individual did not exist in the eyes of the state'.⁸⁷ Friedländer describes the burden of collective responsibility as the most damaging measure confronting Prussian Jewry.⁸⁸ He lists two reasons why the legislation is harmful not only to the Jews but also to the Prussian state. First, if the entire Jewish nation is punished for the crimes of an individual, then it can be expected that some Jews might try to conceal their crimes.⁸⁹ Second, the collective payment of taxes results in arbitrary poverty, which prevents Jews from striving to become useful members of society.⁹⁰

Friedländer's main theoretical argument against the burden of collective responsibility is contained within a section titled: 'Von dem Gesichtspunkte, aus welchem die Regierung durch die solidarische Verbindung, die Judenschaft zu betrachten, veranlaßt worden'.⁹¹ As the wording in the title indicates, Friedländer wants to know whether the government is justified in treating the Jewish community as an indivisible whole — a corporate entity — on account of the religious principles contained in Judaism. Before directly addressing this matter, Friedländer considers the main objection to the Jews receiving civil rights:

⁸⁶ *Ibid.*, pp. 55–56.

⁸⁷ Hasia R. Diner, *A Time for Gathering: The Second Migration, 1820–1880*. Jewish People in America, vol 2. (Baltimore: John Hopkins University Press, 1992), p. 15.

⁸⁸ Friedländer, *Pro Memoria*, p. 85

⁸⁹ *Ibid.*, p. 90.

⁹⁰ *Ibid.*, pp. 84–85.

⁹¹ *Ibid.*, p. 88.

Niemand wagt es — Dank sey es der Vernunft, die sich auch in Absicht unserer nicht verleugnet hat — zu behaupten, daß wir nicht *moralisch-gute Menschen seyn können*. Aber davon scheint man sich noch nicht überzeugt zu haben, daß wir uns zu *politisch nützlichen Bürgern* erheben werden. Der Haupteinwurf gegen unsre Aufnahme zu Bürgern ist folgender: Die Unfähigkeit der Juden zum Kriegesdienst, sagt man, öffnet eine solche Kluft zwischen ihnen und dem Staate, daß ihre Naturalisation, wo nicht unmöglich, doch lange noch ein schwer aufzulösendes Problem bleiben wird.⁹²

Evidently, for Friedländer, the question concerning the Jews' moral improvement no longer hinges on the Jews' alleged misanthropy. Dohm's pamphlet had succeeded in shifting the discussion away from this issue. Instead, the key area of contention is whether Jews are able to become soldiers in the Prussian army.

Friedländer refuses to directly answer this question in *Pro Memoria*.⁹³ We must remember that *Pro Memoria* was submitted shortly before the controversies surrounding Joseph II's military reforms. In all likelihood, Friedländer was reluctant to intervene in internal communal matters, which included halakhic questions about the permissibility of military service. He adopts a different approach. He attacks the theory and practice of treating the Jews as a homogenous group, and thus, by extension, as a single legal entity:

Wir unterstehen uns zu behaupten, daß dieser Einwurf nicht unwiderleglich, und besonders in den preußischen Staaten einer Beantwortung fähig ist. Wir unterstehen uns, die solidarische Verbindung, die Verkettung aller einzelner Mitglieder in ein Corps als den Hauptgrund anzugeben, der selbst der so weisen und aufgeklärten Regierung unseres Landes den richtigen Gesichtspunkt in Ansehung unser einigermassen verrückt hat. Man hat nemlich die Judenschaft als ein einzelnes unzertrennliches Wesen angesehen, und sie in mancher Rücksicht als einen individuellen Menschen behandelt. Man hat ferner als einen ausgemachten Satz der jüdischen Religion angenommen, daß wir, zu folge derselben, keine Kriegesdienste thun dürfen, und hat dann folgendergestalt geschlossen: die Judenschaft kann die wichtigste Bürgerpflicht, die Vertheidigung des Vaterlandes, nicht leisten; folglich können ihr auch die Rechte des Bürgers nicht bewilliget werden. Allein die Judenschaft ist ein Collectives Wesen, das aus einzelnen Gliedern besteht.⁹⁴

According to Friedländer, Prussia's Jewish community is a corporation which, first and foremost, consists of individuals. In *Pro Memoria*, he makes this point to remind the

⁹² Ibid., p. 91.

⁹³ Ibid., p. 96.

⁹⁴ Ibid., p. 91–92.

Prussian government of the legal and institutional heterogeneity existing across Prussian territories. In Berlin, for example, military service was not compulsory:

Wenn Cajus der Christ, und Sempronius der Jude, in Berlin z.B., keine Kriegsdienste thun dürfen, weil sie Bürger von Berlin sind; so gilt es dem Staat gleich viel, ob sie keine Kriegsdienste thun können, oder thun dürfen, ob es moralisches oder physisches Unvermögen ist, das sie davon zurückhält: genug, der Staat hat sie davon befreyet.⁹⁵

More importantly, Friedländer is cautiously preparing his objection to the reductionist tendency to view Jewishness in purely halakhic terms, i.e. according to the written words recorded in the Hebrew Bible. For Friedländer, the existing legal structure inadequately captures the complexity of religious and sociological life as a Jew. In his introduction to *Akten-Stücke*, which was published shortly after the failure of the reform attempts, Friedländer explains:

Die Juden bestehen aus vielen Millionen Menschen. Sie sind in allen Reichen zerstreuet; sie leben unter den verschiedensten Religionsverwandten, und bald in engere, bald in weiterer gesellschaftlichen Verbindung mit ihnen. Sie stehen unter den mannichfaltigsten Regierungsformen, und sind in Absicht der Civilgesetze hier ganz oder zum Theil des Landes-, dort blos ihrer eignen Obrigkeit unterworfen. Ist es, auch nur psychologisch betrachtet, möglich, daß sie, bey aller dieser Verschiedenheit, dennoch in Sitten und Charakter, und zwar von Seiten der Verderbtheit, einander gleich oder doch ähnlich seyn können? [...] Von dieser Zusammenwerfung *aller* Juden ist es gekommen, daß man ihnen gewisse Laster, Fehler und Unfähigkeiten aufgebürdet hat, die sie entweder gegenwärtig gar nicht, oder doch nicht alle, haben, wenigstens nicht *als Juden* haben.⁹⁶

Let us pause for a moment to dwell on the dispute between the Jews of Trieste and the Galician Jewish community, which occurred not long after the submission of *Pro Memoria*. While the Galician Jews tried to evade military service, the Jews of Trieste welcomed it with open arms. Despite professing the same faith, these communities held radically different opinions about what their faith demanded from them. These are the kind of cultural differences which Friedländer is talking about. He wanted to see the introduction of legislation which did not discriminate against Jewish individuals who were willing to fulfil their civic duties, whatever their motivation might be.

⁹⁵ Ibid., p. 93.

⁹⁶ Friedländer, 'Einleitung', in *Akten-Stücke*, pp. 7–9.

In the petition submitted on 28 February 1790, titled *Betrachtungen*, Friedländer is explicit about this demand. Friedländer's *Betrachtungen* was submitted in response to the proposals suggested by the Prussian royal council in December 1789. While the government was willing to make some concessions, such as partial access to agriculture, the majority of disabilities remained. Steven Lowenstein has observed:

The general spirit that motivated the report, as so many later actions by governments of German states, was that of educating and improving the Jews. Only when the Jews were properly readied for their new status would full rights be granted.⁹⁷

Friedländer suspected that the ongoing belief in the Jews' inability to perform military service, held by Prussian statesmen, remained an obstacle which had to be overcome. I have already mentioned the 1789 edict which declared that Mennonites could make no further land acquisitions unless they accepted military service. The Prussian authorities offered a similar arrangement for the Jews. They proposed that the Jews should be allowed to work in agriculture, but only on land which had never previously been owned. In other words, Jews remained barred from purchasing land from Christians. Friedländer's *Betrachtungen* addresses this proposal directly:

Da den Juden auf diese Weise nur unangebauete Sandwüsten zugelassen, und ihnen nicht einmal die Vergünstigungen, welche den mit schweren Kosten in das Land gezogenen *Kolonisten* gestattet worden, zu Theil werden sollen: so ist ihnen im Grunde die Freyheit, die Erde zu bauen, *gar nicht* ertheilt, und zwar wie es scheint, *deswegen* nicht ertheilt, weil vorausgesetzt wird: der Jude *kann* und *will* die Waffen zur Vertheidigung des Vaterlandes nicht tragen, was doch mit dem Besitze von Landeigenthum unzertrennlich verbunden ist. Allein da diese Voraussetzung, besonders in Ansehung der künftigen Generationen, sehr hypothetisch ist: so wäre unseres Dafürhaltens das Gesetz, "Kein Jude kann Landeigenthum erlangen, ohne, wie andere Unterthanen, dem Enrollement unterworfen zu sein", für denjenigen, der die Waffen nicht tragen will, einschränkend genug.⁹⁸

In this remarkable passage, Friedländer concedes that the government can legitimately restrict the civil rights of any Jewish individual who is not willing to become a soldier.

⁹⁷ Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family, and Crisis, 1770–1830* (Oxford: Oxford University Press, 1994), p. 78

⁹⁸ David Friedländer, 'Allerunterthänigste Betrachtungen über die neuen Rechte und Vergünstigungen, so wie über die neuen Pflichten und Obliegenheiten, welche bey der Reform der Juden zum Grunde gelegt werden sollen', in *Akten-Stücke*, pp. 136–83 (pp. 159–60).

Thus, he agrees with Mendelssohn that the government has the right to demand universal military conscription. At the same time, Friedländer firmly argues that the state should not discriminate against Jews as a rule or principle, since the assumption that Jews are incapable of joining the army is only hypothetical. The Prussian government should withhold judgement until the Jews have been given an opportunity to fulfil the obligations of citizenship.

What is striking in this passage is that Friedländer talks about future generations of Prussian Jewry. He is highlighting the cultural transformation occurring within the Jewish community under the influence of modernisation. As Edward Breuer has observed, the eighteenth century saw ‘the transformation of German Jewry from a largely homogenous group into a variegated and distinct set of cultural entities’.⁹⁹ For Friedländer, it was a matter of vital importance that the Prussian government should acknowledge the internal diversity of the Jewish community.

Unlike Mendelssohn, Friedländer was not interested in the halakhic issues surrounding the military question. Indeed, it is questionable whether he recognised the Talmudic principles underpinning Mendelssohn’s response to Michaelis. So what gave Friedländer confidence that future generations of Jews would be willing to fight in the military? The answer, of course, lies in the events which had unfolded in Austria between 1787 and 1789. In a footnote, Friedländer explains:

Die Juden in den Oestreichischen Staaten wurden, wie bekannt, gezwungen, in dem letzten Kriege gegen die Türken Kriegsdienste zu thun. Es ist hier der Ort nicht zu untersuchen, ob es nicht hart und unschicklich war, die Cultivirung und die bürgerlichen Rechte der Jüdischen Nation damit anzufangen, daß man sie zwang Pack- und Wagen-Knechte zu werden. Allein, so viel ist gewiß, sie haben diese Dienste geleistet.¹⁰⁰

Unlike Mendelssohn, who had died shortly beforehand, Friedländer actually lived to witness Jewish soldiers fighting in European armies. He had observed rabbis such as Landau lend their support to Jewish conscripts. His first-hand experience had demonstrated to him that Jews could become soldiers.

⁹⁹ Edward Breuer, ‘Naphtali Herz Wessely and the Cultural Dislocations of an Eighteenth-Century Maskil’, in *New Perspectives on the Haskalah*, pp. 27–47 (p. 46).

¹⁰⁰ Friedländer, ‘Allerunterthänigste Betrachtungen’, p. 160.

Friedländer's clearest statement about these issues is to be found in his private correspondence with Friedrich von Schrötter, a minister of the Prussian government. In 1791 Daniel Itzig received a Patent of Naturalisation, which guaranteed him all the rights possessed by Christian citizens. In 1792 Friedländer applied for the same patent for his own family. While waiting for a decision, he appealed to Schrötter for support. Schrötter responded by calling attention to the Jews' inability to become soldiers:

Auch ist es wahrlich nicht die Verschiedenheit religiöser Meynungen, die den Unterschied zwischen christlichen und jüdischen Staatsbürgern rechtfertigt. Aber desto mehr, dünkt mich, muß von Seiten des Staats in Erwägung gezogen werden, daß die Juden nicht gleiche Vorteile und Dienste, als die christlichen Einsaßen dem Staate leisten; [...] daß sie sich dem Soldatenstande entziehen und, wenn der christliche Bürger Blut und Leben zur Verteidigung des Vaterlandes hingiebt, nichts dazu als Geldt beytragen, daß er im Grunde auch von und durch den Christen erwirbt.¹⁰¹

In his reply, Friedländer agreed with Schrötter that it would be impudent to demand that Jews should be given the same rights as Christians without fulfilling the obligations of citizenship. However, he insisted that Schrötter should take into consideration that some Jews, like himself and his family, were perfectly willing to do military service. Why should these Jews not receive the same rights as other members of the Prussian state?

Wie aber, wenn eine Familie auftritt und sagt: Da der Staat bloß auf die Verhältnisse des Bürgers gegen den Staat Rücksicht nehmen will, so bitte ich um die Aufnahme unter denselben. Ich übernehme alle Pflichten eines Bürgers ohne alle Einschränkungen, und erwarte dagegen auch alle Rechte desselben ohne alle Einschränkungen. Wenn in meinen Religionsgesetzen irgend etwas seyn sollte, das mit meinen Bürgerpflichten in Collision kommen könnte, so werde ich schon dafür sorgen, die Schwierigkeit zu lösen und zu überwinden. Dies gehört vor den Richterstuhl meines Gewissens, meines Verhältnisses gegen Gott, worum der Staat sich nie aus Weisheit mischen wird.¹⁰²

Friedländer attempted to separate the individual Jew from the corporate Jewish community. His major contribution to the debate about Jewish military service was his critique of the reductionist image of Jewishness. He understood that the Jewish religion was an important, but by no means exclusive, component of Jewish culture. Moreover,

¹⁰¹ Schrötter to Friedländer, 7 February 1793, reprinted in *Das Handlungshaus Joachim Moses Friedlaender et Soehne zu Königsberg i.Pr.*, ed. by Ernst Friedländer (Hamburg: [n.pub.], 1913), p. 44.

¹⁰² Friedländer to Schrötter, 9 March 1793, *ibid.*, pp. 44–45.

Judaism was not the static, unchanging religion some Christians believed it to be. Even from an orthodox perspective, Judaism had shown flexibility in adapting its traditions to meet modern challenges. To treat the Jews as a single corporate entity meant to deny the reality of modern Jewish identity.

It should be noted that Friedländer did not stay entirely true to Mendelssohn's vision. Whereas Mendelssohn remained strongly attached to Jewish ceremonial law, Friedländer adopted a freer attitude. He really did believe that religion should be seen as a matter of personal conviction. Therefore, Friedländer can be regarded as a representative of the assimilationist intelligentsia. Nonetheless, it was Mendelssohn's reply to Michaelis that Friedländer quoted in support of his position:

Was die Religion betrifft, so weiß ich darüber nichts Besseres, nichts Weiseres, nichts Durchdachteres, als was *Mendelssohn* gesagt hat. „Mich dünkt“, sagt dieser Weltweise, „die Gesetze sollen überhaupt keine Rücksicht auf besondere Meinungen nehmen [...]“.“¹⁰³

After quoting Mendelssohn's reply in full, Friedländer continues by stating:

Ob der Wald von Ceremonialgesetzen zu lichten sey, ob hier die Aeste nicht den Weg verschränken, dort den Zutritt der Sonnenstrahlen von oben verhindern — auch dieses kann die Regierung der Zeit und dem Bedürfnisse der Wanderer überlassen. Ein jeder von diesen wird sich, wenn er die Strafe eines Baumschänders nicht zu befürchten hat, schon seinen Weg ebnen, und ihn so bequem und anmuthig machen, wie er es für gut findet. Die Beobachtung der Ceremonialgesetze hängt mit den Pflichten des Staatsbürgers nicht zusammen, und darf also für die Regierung auch nicht ein Gegenstand ihrer Vorsorge seyn.¹⁰⁴

The 1812 Edict of Emancipation

The reform attempts of 1787–92 failed to achieve the desired aims of Friedländer and the other delegates. While the *Leibzoll* was abolished in 1787, the bulk of restrictions remained in place, and would continue to do so until 1812. Michael Meyer has noted:

¹⁰³ Friedländer, 'Einleitung', p. 15.

¹⁰⁴ Ibid.

‘Politically, the Jews were still wholly outsiders, a foreign corpus in the midst of the Prussian state’.¹⁰⁵

The existing scholarship has emphasised the setbacks faced by Prussia’s Jewish community during the period 1787–93. David Sorkin, for example, has observed that Friedländer’s later petitions coincided with the turbulent events of the French Revolution. After 1789 Friedländer not only avoided the doctrine of natural rights — which had been so important in the work of Mendelssohn — but even renounced it.¹⁰⁶ The notion that Jews should be granted citizenship due to a concern for freedom and equality rescinded into the background.

However, as far as the military question is concerned, the years 1787–93 saw positive developments for Prussian Jewry. Dohm, Mendelssohn, Friedländer, and various figures in the Austrian context, laid the *theoretical* groundwork for legal reform. They developed the arguments — and answered the objections — which would eventually convince Prussian civil servants that Jews really were capable of fighting in the Prussian army.

Several studies have highlighted the central significance of the military question in discussions about Jewish equality of rights during the Napoleonic era.¹⁰⁷ After several humiliating, decisive defeats to Napoleon, Frederick William III was forced to sign the Treaty of Tilsit on 9 July 1807. The treaty reduced Prussia to a third-rate power. Prussia’s population shrank from 9,752,731 inhabitants to 4,938,000.¹⁰⁸ Prussian civil servants agreed that a new approach to military policy would be required if the French foe was to be defeated. Until then, Prussia’s conscription system had called upon relatively small segments of the population. Now it was believed that universal conscription was necessary.¹⁰⁹

¹⁰⁵ Michael A. Meyer, *The Origins of the Modern Jew: Jewish Identity and Modern European Culture in Germany, 1749–1824* (Detroit: Wayne State University Press, 1967), p. 68.

¹⁰⁶ David Sorkin, *The Transformation of German Jewry, 1780–1840* (Oxford: Oxford University Press, 1987), pp. 75–76.

¹⁰⁷ For a recent treatment, see Christine G. Krüger, ‘Die Bestimmungen des Paragraphen 16 — Juden im Militär’, in *Das Emanzipationsedikt von 1812 in Preußen: Der lange Weg der Juden zu „Einländern“ und „preußischen Staatsbürgern“*, ed. by Irene A. Diekmann (Berlin: de Gruyter, 2013), pp. 237–54. See also Marion Schulte, *Über die bürgerlichen Verhältnisse der Juden*, pp. 414–34.

¹⁰⁸ Michael V. Leggiere, *Napoleon and Berlin: The Franco-Prussian War in North Germany, 1813* (Norman, OK: University of Oklahoma Press, 2002), p. 20.

¹⁰⁹ On Prussia’s military reforms, see Karen Hagemann, *Revisiting Prussia’s Wars against Napoleon: History, Culture and Memory* (Cambridge: Cambridge University Press, 2015), pp. 52–56.

The first Prussian official to address the issue was Freiherr von Schrötter, the same minister who had voiced opposition to Friedländer's naturalisation application. In his letter to the King, written on 20 November 1808, Schrötter argued that the Prussian *Judenpolitik* was outdated and based on false assumptions. By this time, Jews had seen an improvement in their legal status in several states. Moreover, there was a growing presence of Jews in European armies, including the army of Napoleon. Convened in February 1807, the Grand Sanhedrin (a Jewish high court in France) had affirmed the ability of Jews to become soldiers.¹¹⁰ Schrötter explained to the King: 'Man giebt ihnen an allen Orten bürgerliche Rechte, man legt ihnen aber auch alle bürgerliche Pflichten auf und unterwirft sie vorzüglich der Conscription'.¹¹¹

Having previously supported only conditional, gradual emancipation, Schrötter now argues that emancipation needs to be immediate and absolute: 'Es ist indessen nothwendig, daß der Staat sie erst als Bürger anerkenne, ehe er von ihnen bürgerliche Pflichten verlangt'.¹¹² It is evident that Prussia's dire military situation was a contributing factor in his change of heart:

Allein ehe ich es wagen darf, an eine solche neue Constitution die Hand zu legen, so muß ich erst devotest um die huldreiche Bestimmung der Frage bitten: ob Ew. königliche Majestät die Juden der Conscriptions-Fähigkeit werth halten und diese Bestimmung in der neuen Constitution wollen aufnehmen lassen. Denn ohne diese Bestimmung kann den Juden keine Erweiterung in ihren Rechten und Privilegien zugestanden [werden].¹¹³

Schrötter argues that Jews are perfectly capable of military service. He offers several reasons in defence of this conclusion, none of which concern halakhic matters. For example, he inverts the stereotype about Jews being weak and cowardly. Michaelis had argued that the Jews' small stature meant they would be ineffective in battle. In contrast, Schrötter declares: 'Der Jude hat ein orientalisches, feuriges Blut und eine sehr lebhaftes Imagination. Alles Anzeichen einer männlichen Kraft, wenn sie benutzt und in Thätigkeit

¹¹⁰ Paula E. Hyman, *The Jews of Modern France* (Berkeley: University of California Press, 1998), p. 44.

¹¹¹ Freiherr von Schrötter, 'Immediatvorlage an den König, 20 November 1808', reprinted in Freund, *Die Emanzipation der Juden in Preußen*, II, pp. 208–211 (p. 208).

¹¹² *Ibid.*, p. 209.

¹¹³ *Ibid.*, p. 209–10.

gesetzt wird'.¹¹⁴ The main thrust of his argument, however, revolves around the experience of recent decades. He explains that all civilised nations have recognised that Jews are capable of fighting as conscripted soldiers:

Uebrigens ist die Conscriptions-Fähigkeit der Juden, jetzt in allen cultivierten Ländern anerkannt, und da ich in Schlesien, Westpreußen, Ostpreußen und den Marken, wenigstens 50000 jüdische Seelen rechne, so glaube ich, daß eben in jetziger Zeit eine solche Menschenmasse im Staate, zur Vertheidigung desselben, wenigstens für die Folge nicht unbenutzt bleiben darf.¹¹⁵

Given Schrötter's previous reluctance to engage with Friedländer on this issue, it is likely that this new attitude was shaped by recent events. Nonetheless, the important questions about the suitability of Jews for military service had indeed already been answered. Schrötter's statement would have been unimaginable a generation earlier; we have already seen that Rabbi Landau's speech was met with utter astonishment in Prussia. Jewish thinkers — Mendelssohn, Friedländer, Ascher, Landau — played a central role in these developments.

Conclusion

We are now in a better position to understand the full significance of Mendelssohn's reply to Michaelis. This little text is not usually cited as a key turning point in the debate over Jewish civic equality. Yet in almost every instance, when dealing with questions about Jewish military service, Jewish thinkers cited Mendelssohn in support. They could do so because Mendelssohn was an observant Jew who defended traditional Judaism and showed commitment to rabbinic authority. For his part, Mendelssohn recognised that Jewish tradition was flexible enough to allow for diverse opinions on crucial issues. The Talmudic dictum *dina de-malkhuta dina* provided him with a sound basis for approving Jewish military service.

¹¹⁴ Ibid., p. 210.

¹¹⁵ Ibid.

Within a decade it was no longer necessary to rely on Mendelssohn's authority. Once enough Jews had entered European armies, with the support of rabbis, no one could plausibly argue that Jews were unable to become soldiers. Already in 1789, David Friedländer employed the example of Jews in the Austrian army to support his proposals for political reform. Several decades later, Friedländer described Mendelssohn's reply to Michaelis as a defining moment in Jewish history:

Damals war es, wo unser Mendelssohn freymüthig erklärte, dass eine Regierung auf besondere Meynungen ihrer Unterthanen keine Rücksicht zu nehmen habe. [...] Die Erwartungen des philosophischen Sehers ist durch die Erfahrung weit übertroffen worden. Die Juden haben selbst in Landen, wo sie kein Bürgerrecht genossen, und überall freiwillig, allen Arten von Militairdienst sich unterzogen, und dem Staate mit Gut und Blut nicht unrühmlich gedient.¹¹⁶

Earlier, I referred to the politicisation of the Haskalah. After Dohm's plea for Jewish civil rights, many Jewish thinkers began actively concerning themselves with emancipation. In this case, the central question was whether Jews could participate in army life whilst remaining faithful to the traditions and beliefs of their forefathers. I have demonstrated that the issue of conscription did not cause a major schism within the Jewish community, contrary to the predictions of German thinkers such as Hartmann and Michaelis. For the most part, the Jewish community showed a united front. This is an important point to emphasise, since the last decade of the eighteenth century did witness a radical repudiation of Jewish tradition amongst some Jewish thinkers. We shall come to grips with this issue in the next chapter.

¹¹⁶ David Friedländer, *An die Verehrer, Freunde und Schüler Jerusalem's, Spalding's, Teller's, Herder's und Löffler's*, ed. by Traugott Krug (Leipzig, 1823), p. 141.

CHAPTER FIVE

Kant and Jewish Religious Reform

By the final decade of the eighteenth century, several Jewish thinkers had openly turned their backs on traditional Judaism. In doing so, they radically repudiated the early Haskalah's vision of cultural renewal. Thinkers such as Lazarus Bendavid, Saul Ascher, and Salomon Maimon advocated religious change, whilst fiercely attacking the rabbinic leadership. This chapter investigates the emergence of an agenda of Jewish religious reform amongst those on the radical fringe of *maskilim*. My aim is to show that the radical *maskilim* were following in the footsteps of Immanuel Kant. Kant's philosophical objection to Jewish law gave new impetus to the debate about the compatibility between traditional Judaism and modernity.

Kant's writings on Jews and Judaism are often mentioned by scholars of German-Jewish history, but rarely investigated.¹ In the existing literature, he is almost always portrayed as an opponent of Judaism, a position I will attempt to qualify. This chapter examines Kant's attitude towards Jews and Judaism in the context of his critical philosophy. Drawing upon recent Kant scholarship, I interpret Kant as, among other things, a philosopher of religious reform, who aimed at closing the gap between the religious ideal and reality. Although Kant included Jews in his vision of human emancipation, he believed that Judaism — like Christianity — required substantial reform. He deemed Judaism's religious laws to be incompatible with autonomy of the will. He also opposed the hierarchical nature of Rabbinic Judaism, believing it to prevent Jews from publicly

¹ The best account can be found in Susan Meld Shell, *Kant and the Limits of Autonomy* (Cambridge, MA: Harvard University Press, 2009), pp. 306–34. See also Bettina Stangnath, 'Antisemitische und Antijudaistische Motive bei Immanuel Kant? Tatsachen, Meinungen, Ursachen', in *Antisemitismus bei Kant und anderen Denkern der Aufklärung: Prämierte Schriften des wissenschaftlichen Preisausschreibens „Antisemitische und antijudaistische Motive bei Denkern der Aufklärung“*, ed. by Horst Gronke, Thomas Meyer, Barbara Neißer (Würzburg: Königshausen & Neumann, 2001), pp. 11–124. On Kant's influence on the Jewish Enlightenment, see Christoph Schulte, *Die jüdische Aufklärung: Philosophie, Religion, Geschichte* (Munich: Beck, 2002), pp. 157–71. For an older study, see Sidney Axinn, 'Kant on Judaism', *Jewish Quarterly Review*, 59 (1968), 9–23.

reasoning on religious matters, and to exclude the possibility of a heterodox Jewish identity.

Although Kant is well known for rejecting crude attempts to achieve the moral ends defined by his practical philosophy, he occasionally blurred the distinction between ethics and politics. In *Der Streit der Fakultäten* (1798), Kant waded into the debate on Jewish equality of rights, arguing that religious reform was a prerequisite for citizenship. In doing so, he contradicted central principles of his critical philosophy. I will show that Kant adopted this position due to his enthusiasm for the French Revolution, which he took to be an historical sign of moral progress. In this context, I discuss the work of Johann Gottlieb Fichte and Saul Ascher. Fichte went far beyond Kant in trying to portray the Jews as the enemies of Kantian autonomy. In contrast, Saul Ascher tried to define Kant's critical philosophy as a tool which could help, rather than hinder, the Jews' entry into mainstream European society.

Kant's vision of human emancipation

Although Kant doubted the possibility of any individual becoming morally virtuous in his lifetime on earth, he was convinced that we should remain optimistic about the idea of a teleological progression of human beings toward a condition of moral perfection. Some of Kant's writings seem to suggest that genuine progress has already been made.² In his essay *Was ist Aufklärung?* (1784), Kant argues that the Enlightenment is an irreversible historical event. Mankind is still far from attaining ultimate maturity, but it has stepped out of its self-incurred tutelage.³ Elsewhere, Kant argues that the human race is constantly progressing in culture.⁴

For the most part, however, Kant treats the idea of human progress as a postulate of practical reason, i.e. a proposition which can only be affirmed on moral grounds. Like

² Patrick R. Frierson, *Freedom and Anthropology in Kant's Moral Philosophy* (Cambridge: Cambridge University Press, 2003), pp. 155–61.

³ Immanuel Kant, *Beantwortung der Frage: Was ist Aufklärung?* [1784], AA, VIII, pp. 33–42 (p. 35).

⁴ Immanuel Kant, *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* [1793], AA, VIII, pp. 273–314 (p. 308).

speculative ideas about the existence of God and the immortality of the soul, it cannot be theoretically proved or disproved.⁵ The availability of empirical data, however, allows us to consider what such a teleology might look like. In his critical period, Kant wrote several essays on history, most of which elaborated a vision of humanity coming together in a single moral whole. Recent scholarship has shown that Kant's philosophy of history should be understood as a central feature of his critical project.⁶

In *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793), Kant attacks the model of human history proposed by Moses Mendelssohn in *Jerusalem* (1783). For Mendelssohn, history is not a linear development. As a species, mankind oscillates forwards and backwards. The idea of permanent moral progress exists only in the human imagination: 'Im Grunde ist das menschliche Geschlecht fast in allen Jahrhunderten, wenn die Metapher gelten soll, Kind und Mann und Greis zugleich, nur an verschiedenen Orten und Weltgegenden'.⁷ Mendelssohn advanced this theory in response to Lessing's schematic vision of human history. In *Die Erziehung des Menschengeschlechts* (1780), Lessing painted ancient Judaism as a steppingstone in a history of progress culminating in Christian Europe. While Lessing had intended to rescue the Old Testament, i.e. Judaism, from the attacks of Neologists like Reimarus and Semler, he only succeeded at the price of conceding that Christianity was a superior religion to Judaism.⁸ This is a conclusion which Mendelssohn, for obvious reasons, wanted to avoid.

Like Mendelssohn, Kant does not believe we have empirical proof for a progressive view of history. Certainly, he was aware that historical Christianity had not always contributed to mankind's moral progress. In *Die Religion innerhalb der Grenzen der bloßen Vernunft* (1793), Kant declares that the history of Christianity could easily justify Lucretius' exclamation: 'tantum religio potuit suadere malorum! [To such heights of evil has religion been able to drive men!]'.⁹ Nonetheless, he is unwavering in his insistence on

⁵ David Lindstedt, 'Progress in Universal History as a Postulate of Practical Reason', *Kant-Studien*, 90 (1999), 129–47.

⁶ On this subject, see Robert B. Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* (Oxford: Oxford University Press, 2000), pp. 140–41; Yirmiyahu Yovel, *Kant and the Philosophy of History* (Princeton: Princeton University Press, 1980).

⁷ Mendelssohn, *Jerusalem*, p. 162.

⁸ Hugh Barr Nisbet, *Gotthold Ephraim Lessing: His Life, Works, and Thought* (Oxford: Oxford University Press, 2013), p. 584.

⁹ Immanuel Kant, *Die Religion innerhalb der Grenzen der bloßen Vernunft* [1793], AA, VI, pp. 1–203 (p. 131).

the necessity of mankind's ongoing belief in the possibility of moral improvement, without which, he argues, we would lose all incentive to create a better world:

Diese Hoffnung besserer Zeiten, ohne welche eine ernstliche Begierde, etwas dem allgemeinen Wohl Ersprießliches zu tun, nie das menschliche Herz erwärmt hätte, hat auch jederzeit auf die Bearbeitung der Wohldenkenden Einfluß gehabt; und der gute Mendelssohn mußte doch auch darauf gerechnet haben, wenn er für Aufklärung und Wohlfahrt der Nation, zu welcher er gehörte, so eifrig bemühet war. Denn selbst und für sich allein sie zu bewirken, wenn nicht andere nach ihm auf derselben Bahn weiter fort gingen, konnte er vernünftiger Weise nicht hoffen. Bei dem traurigen Anblick, nicht so wohl der Übel, die das menschliche Geschlecht aus Naturursachen drücken, als vielmehr derjenigen, welche die Menschen sich unter einander selbst antun, erheitert sich doch das Gemüt durch die Aussicht, es könne künftig besser werden.¹⁰

This passage is generally overlooked by scholars studying Kant's views of Judaism. Interestingly, Kant seems to be saying that Mendelssohn was correct to champion the cause of Jewish enlightenment and emancipation, since it is our moral duty to work towards the betterment of the human species. He states that we should maintain hope even in the face of seemingly insurmountable difficulties: 'Empirische Beweisgründe wider das Gelingen dieser auf Hoffnung genommenen Entschließungen richten hier nichts aus'.¹¹ We should be clear about what Kant is arguing here: even in the face of empirical evidence supporting the claim that a certain people — for example, the post-biblical Jews — are inherently degenerate, it is our moral duty to work towards their improvement.

This is an important point to emphasise, not least because on one occasion Kant expressed a very unpleasant opinion about the Jews. In *Anthropologie in pragmatischer Hinsicht* (1798), Kant offers a very negative *empirical* description of the Jews' character:

Die unter uns lebenden Palästiner sind durch ihren Wuchergeist seit ihrem Exil, auch was die größte Menge betrifft, in den nicht ungegründeten Ruf des Betrugers gekommen. Es scheint nun zwar befremdlich, sich eine *Nation* von Betrügern zu denken; aber eben so befremdlich ist es doch auch, eine *Nation* von lauter Kaufleuten zu denken, deren bei weitem größter Theil, durch einen alten, von dem Staat, darin sie leben, anerkannten Aberglauben verbunden, keine bürgerliche Ehre sucht, sondern dieser ihren Verlust durch die Vortheile der Überlistung des Volks, unter dem sie Schutz finden, und selbst ihrer untereinander, ersetzen wollen.¹²

¹⁰ Kant, *Über den Gemeinspruch*, p. 309.

¹¹ *Ibid.*

¹² Immanuel Kant, *Anthropologie in pragmatischer Hinsicht* [1798], AA, VII, pp. 117–334 (p. 205).

Nonetheless, I think it is wrong to conclude from this isolated opinion that Kant ‘provided a legitimate basis deep within European culture for the potential criminalization of the Jews’.¹³ Several studies have sought to identify an inner antisemitism within Kant’s philosophy.¹⁴ Even Susan Shell, who provides one of the most balanced accounts of Kant’s attitude toward the Jews, argues that his genuine affection for some of his Jewish disciples ‘did not interfere with the general view, expressed in his last extensive published work, that the “Palestinians” of Europe were a “nation of cheaters”’.¹⁵

One of my aims in this chapter is to challenge the claim that Kant’s critical philosophy contains an inherent anti-Jewish bias. To contend that Kant opposed the Jews’ civic equality because he deemed them to be racially inferior — as several scholars have argued¹⁶ — is tantamount to saying that Kant believed the Jews to be inherently corrupt, and thus incorrigible. On numerous occasions, however, Kant explicitly denies that such a category of person exists. In *Metaphysik der Sitten* (1797), Kant argues that even a degenerate (*lasterhafte*) person should not be treated with contempt, since his human dignity — his moral capacity as a reasoning being — can never be taken away.¹⁷ Allen Wood firmly contends that ‘Kant’s commitment to the equal worth of all human beings pervades his ethical thought’.¹⁸

I want to stress that Kant’s concept of humanity, which is central to his critical philosophy, cannot be reconciled with the kind of antisemitic remark he made in *Anthropologie*. Without trying to trivialise Kant’s harsh remark about the Jews, I propose we treat it as an isolated opinion, which only tells us something about Kant’s personal prejudices, not his philosophical system.

If we return to Kant’s historical writings, it is evident that the notion of an unimprovable people is not compatible with Kant’s vision of human emancipation. In several texts, Kant imagines the possibility of mankind coming together to form a cosmopolitan moral

¹³ Yvonne Sherratt, *Hitler’s Philosophers* (New Haven: Yale University Press, 2013), p. 40.

¹⁴ See for example, Michael Mack, *German Idealism and the Jew: The Inner Anti-Semitism of Philosophy and German Jewish Responses* (Chicago: University of Chicago Press, 2003).

¹⁵ Shell, *Kant and the Limits of Autonomy*, pp. 317–18.

¹⁶ For example, Wulf D. Hund, “‘It must come from Europe’: The Racisms of Immanuel Kant”, in *Racisms Made in Germany*, ed. by Wulf D. Hund, Christian Koller and Moshe Zimmermann (Münster: Lit, 2011), 69–99; J. Kameron Carter, *Race: A Theological Account* (Oxford: Oxford University Press, 2008), p. 81.

¹⁷ Immanuel Kant, *Die Metaphysik der Sitten* [1797], AA, VI, pp. 203–494 (p. 463).

¹⁸ Allen W. Wood, *Kant’s Ethical Thought* (Cambridge: Cambridge University Press, 1999), p. 6.

community. In *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht* (1784), Kant argues that human history is the unfolding of a hidden plan of nature. In his eighth proposition, he argues that it is the task of philosophy to reveal this plan.¹⁹ Empirical evidence is not sufficient for such an attempt. From the perspective of practical philosophy, human beings must be seen as capable of freedom and autonomy, in order for them to be regarded as the highest point of creation:

Ein philosophischer Versuch, die allgemeine Weltgeschichte nach einem Plane der Natur, der auf die vollkommene bürgerliche Vereinigung in der Menschengattung abziele, zu bearbeiten, muß als möglich, und selbst für diese Naturabsicht beförderlich angesehen werden.²⁰

Kant's vision of political cosmopolitanism is set out in *Zum Ewigen Frieden* (1795). For Kant, the goal of perpetual peace is both a moral requirement and a political necessity. In this condition of peace, all individuals are at once citizens of a nation (*Staatsbürgerrecht*) and of a universal confederation of states (*Weltbürgerrecht*).²¹ Kant's concept of world citizenship includes the right to hospitality, defined as 'das Recht eines Fremdlings, seiner Ankunft auf dem Boden eines andern wegen, von diesem nicht feindselig behandelt zu werden'.²²

If Kant is serious about his inclusive, universalist vision of human emancipation, he cannot exclude Jews from that vision. This is an argument raised by Robert Fine and Philip Spencer: 'Kant gave expression to a powerful logic of inclusion that enabled struggles for recognition to be waged by the excluded classes themselves and their allies'.²³ Unfortunately, the issue is more complicated than that. Kant distinguishes between human beings as they appear to be to each other and humanity as it should be according to the insights of rational morality.²⁴ This distinction is found throughout the works of his critical

¹⁹ Immanuel Kant, *Die Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht* [1784], AA, VIII, pp. 15–33 (pp. 27–28). On this subject, see Eckart Förster, 'The hidden plan of nature', in *Kant's Idea for a Universal History with a Cosmopolitan Aim: A Critical Guide*, ed. by Amélie Oksenberg Rorty and James Schmidt (Cambridge: Cambridge University Press, 2009), pp. 187–99.

²⁰ *Ibid.*, p. 29.

²¹ Immanuel Kant, *Zum ewigen Frieden* [1795], AA, VIII, pp. 341–86 (p. 349).

²² *Ibid.*, p. 358.

²³ Robert Fine, Philip Spencer, *Antisemitism and the Left: On the Return of the Jewish Question* (Manchester: Manchester University Press, 2017), p. 200.

²⁴ Seán Molloy, *Kant's International Relations: The Political Theology of Perpetual Peace* (Ann Arbor: University of Michigan Press, 2017), p. 18.

period. Whether we ever attain a condition of perpetual peace, Kant contends, is dependent on us meeting the demands of practical reason. As Philip Rossi has noted, *Zum Ewigen Frieden* should be read as Kant's attempt to identify the requirements of practical reason in the political realm:

Perpetual peace, which theoretical reason can show only to be not impossible, is the very same object that practical reason requires us to make actual as moral agents. The claim that “a commonwealth under laws of virtue . . . assures the world of perpetual peace” is thus one that arises — indeed, must arise — from the practical use of reason. It is a concrete way in which practical reason specifies the fulfilment of the human vocation to be the juncture of nature and freedom. Kant insists that the attainment of human moral destiny is a demand that arises from the practical use of our reason and that bringing it about — including, as an important stage on the way, perpetual peace — finally rests upon what human beings concretely do.²⁵

The issue, then, is not whether Jews have a place in Kant's ideal confederation of states. Rather, it is whether Jews can exist *as Jews* within the ideal ethical commonwealth, which Kant sees as a community of people bound together by non-coercive moral laws. As we shall see, Kant believes that the complete attainment of the moral world requires religion. Whether traditional Judaism is compatible with Kant's vision of moral religion, however, remains to be seen. Before we look at Kant's attitude towards Jews and Judaism, we need to make a few remarks about his ethics.

Kantian ethics

Kant's foundational text on ethics is *Grundlegung zur Metaphysik der Sitten* (1785).²⁶ His aim was to establish an *a priori* foundation for a metaphysics of morals. He believed that moral judgements must be *a priori* because they are not concerned with how things are but how things ought to be. Kant's supreme principle of morality is the categorical imperative. The categorical imperative states: ‘Handle nur nach derjenigen Maxime, durch

²⁵ Philip J. Rossi, *The Social Authority of Reason: Kant's Critique, Radical Evil, and the Destiny of Humankind* (Albany, NY: State University of New York Press, 2005), pp. 97–98.

²⁶ Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* [1785], AA, IV, pp. 385–464

die du zugleich wollen kannst, daß sie ein allgemeines Gesetz werde.²⁷ Kant is not directly concerned with the result of an action, but rather the motive and underlying principle.

In his influential *The Invention of Autonomy*, J. B. Schneewind draws our attention to the revolutionary aspect of Kant's ethics. Until the eighteenth century, morality was understood as 'one aspect of the obedience we owe to God'.²⁸ Since it was not always possible to recognise what morality demanded, most people needed to be instructed by an appropriate authority, such as the clergy. According to Schneewind:

The new outlook that emerged at the end of the eighteenth century centred on the belief that all normal individuals are equally able to live together in a morality of self-governance.²⁹

Kant played an important role in the radicalisation of this idea. In his view, our rational autonomy permits us to be self-governing moral agents. This means that we are not only bound by the moral law; we ourselves legislate it. For Kant, the opposite of autonomy is heteronomy. When the source of the moral law lies outside the sphere of reason, the condition of the will is heteronomous. The major difference between autonomy and heteronomy concerns the incentives which guide our behaviour. Heteronomous sources of authority might be external to us, such as laws and rules, or they might be internalised, subjective ways of thinking.³⁰

In Kant's opinion, the most dangerous source of heteronomy is theological morality, i.e. laws of morality which *presuppose* the existence of a supreme entity. If we only obey the laws of morality because we assume it is God's will, then it is likely that we are being motivated by a fear of punishment or a desire for rewards. We may also hold quite false opinions about the nature of God. If we believe God to be wrathful, then the resulting system of morality will be diametrically opposed to that commanded by rational autonomy.³¹

²⁷ *Ibid.*, p. 421.

²⁸ J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998), p. 4.

²⁹ *Ibid.*

³⁰ James J. DiCenso, *Kant, Religion, and Politics* (Cambridge: Cambridge University Press, 2011), p. 172.

³¹ Kant, *Grundlegung*, p. 443.

In *Der Streit der Fakultäten* (1798), Kant dwells on the problem of Abraham. According to Jewish, Christian, and Muslim interpretations, Abraham passed the ultimate test of God when he showed himself willing to sacrifice his only son, Isaac, thereby proving his faith and obedience. For Kant, however, this is a blatant example of heteronomy, since in every instance such an action fails the test of the categorical imperative:

Zum Beispiel kann die Mythe von dem Opfer dienen, das Abraham auf göttlichen Befehl durch Abschachtung und Verbrennung seines einzigen Sohnes (das arme Kind trug unwissend noch das Holz hinzu) — bringen wollte. Abraham hätte auf diese vermeinte göttliche Stimme antworten müssen: “Daß ich meinen guten Sohn nicht tödten solle, ist ganz gewiß; daß aber du, der du mir erscheinst, Gott sei, davon bin ich nicht gewiß und kann es auch nicht werden”, wenn sie auch vom (sichtbaren) Himmel herabschallte.³²

In this instance, Kant is attacking the ethics of the Old Testament. When we obey the commands of God without consideration of the moral motive, we turn God into a despot. As we shall see, Kant believes that traditional Judaism propagates an ethics of obedience due to its religious legalism.

It is evident, however, that Kant’s philosophical system also poses a serious challenge to traditional Christian theology. This has been strongly emphasised by Gordon E. Michalson, who sees Kant’s philosophy as a way station between Luther and Marx.³³ According to Michalson:

He wants human autonomy to take over the role traditionally played by divine action in the creation of a good universe, with a corresponding displacement of the supernatural world by the noumenal realm.³⁴

In Kant’s view, theoretical reason tells us nothing about the nature or existence of God, since any speculation on this subject oversteps the bounds of human understanding. This is why we need to move from an ethics of obedience to an ethics of autonomy. Kant’s aim was to demonstrate that human beings are capable of generating and following moral laws which apply equally to all.

³² Immanuel Kant, *Der Streit der Fakultäten* [1798], AA, VII, pp. 1–116 (p. 63).

³³ Gordon Michalson, *Kant and the Problem of God* (Oxford: Blackwell Publishers, 1999), p. 27.

³⁴ Gordon Michalson, *Fallen Freedom: Kant on Radical Evil and Moral Regeneration* (Cambridge: Cambridge University Press, 1990), p. 8.

While Kant's critical project shuts the doors to dogmatic theology, it is essential to recognise the role religious thinking plays in Kant's philosophy. Kant was deeply concerned with the problems of his age. Like the vast majority of his contemporaries in Germany, he wanted to see the purification of religion, not its destruction. He recognised that European culture was deeply intertwined with the religious traditions of Christianity. Kant's earliest followers in the critical period celebrated his philosophy as the solution to the religious crisis of the day.³⁵ Kant consciously trod a middle path between religious enthusiasm and radical scepticism. His solution was to move religion to the practical domain. As he famously declared in the second edition of *Kritik der reinen Vernunft* (1787): 'Ich mußte also das Wissen aufheben, um zum Glauben Platz zu bekommen'.³⁶

Throughout his critical works, Kant advances moral arguments for the existence of God, the freedom of the will, and the immortality of the soul. In *Kritik der reinen Vernunft*, he argues that it is our moral duty to pursue the highest good, i.e. the ideal state of affairs where happiness and morality exist in proportion to one another. In Kant's view, we need to believe in God and the immortality of the soul in order to conceive of such a possibility, since the highest good itself is not attainable in a lifetime on earth.

In the earlier works of his critical period, Kant presents the moral life as a solitary venture. His outlook changes in his book on religion *Die Religion innerhalb der Grenzen der bloßen Vernunft* (1793). In this work, Kant investigates the possibility of rational religion existing within the boundaries of ecclesiastical faith. Kant offers a moral, rationalist interpretation of Christian dogma. First, he presents the theory that human nature contains a radical propensity to evil. Instead of prioritising the moral law, we submit to the temptations of self-interest. Second, he considers the possibility of moral conversion. For Kant, this requires us to believe in a personified idea of the good principle, i.e. a Christ-like figure. Kant sometimes refers to this process of transformation as a change of heart. For our purposes, it is important to note that Christ is only one possible personification of the good principle, i.e. Kant's archetype of ideal humanity. In fact, this figure should not

³⁵ See, for example, Johann Heinrich Tieftrunk, *Einzigmöglicher Zweck Jesu aus dem Grundgesetz der Religion entwickelt* (Berlin, 1789). See also, Anonymous, *Unumstößlicher Beweis daß Kleucker so wenig als Michaelis Leß und Semler die Wahrheit des Christenthums gerettet haben* (Frankfurt a.M., 1789). This latter text has also been attributed to Tieftrunk. After comparing the texts, I have concluded that this is an incorrect attribution.

³⁶ Immanuel Kant, *Die Kritik der reinen Vernunft* [1787], 2nd edn, AA, III, pp. 1–464 (p. 19).

be a divine or superhuman being, since the ultimate moral exemplar must not be someone who is good by necessity. As Lawrence Pasternack argues, Kant ‘presents us with a practical argument *against* the divinity of Christ’.³⁷

In the third part of *Religion*, Kant discusses the concept of an ethical community, which is a subject he also mentions in *Grundlegung*. As Allen Wood has demonstrated, Kant believes that it is always in a social context that radical evil arises.³⁸ Social competitiveness consistently leads us to ignore our duties to ourselves and to others: ‘Der Neid, die Herrschsucht, die Habsucht und die damit verbundenen feindseligen Neigungen bestürmen alsbald seine an sich genügsame Natur, wenn er unter Menschen ist’.³⁹ Having adopted the good principle, the individual needs to join an ethical community with like-minded people, to prevent a relapse into evil.

In *Religion*, Kant sharply differentiates between an ethical community and a political community. A political community — i.e. a state — is one in which members are motivated to respect one another due to external, coercive laws. Members of a political community do not steal or kill, for example, because this would be unlawful behaviour which may be punished. Such individuals, according to Kant, exist in an ethical state of nature.⁴⁰ They are obedient, but not morally autonomous. Members of an ethical community, however, go beyond the requirements of law. They act according to the moral law they give to themselves. Kant insists that no one can be forced to join an ethical community. There is no room for any sort of religious hierarchy. While a political community is spatially limited to the secular nation state, an ethical community is universal in scope:

Übrigens, weil die Tugendpflichten das ganze menschliche Geschlecht angehen, so ist der Begriff eines ethischen gemeinen Wesens immer auf das Ideal eines Ganzen aller Menschen bezogen, und darin unterscheidet es sich von dem eines politischen.⁴¹

³⁷ Lawrence R. Pasternack, *Kant on Religion within the Boundaries of Mere Reason* (Abingdon: Routledge, 2014), p. 140.

³⁸ Allen W. Wood, ‘Ethical Community, Church and Scripture’, in *Die Religion innerhalb der Grenzen der blossen Vernunft*, ed. by Otfried Höffe (Berlin: Akademie Verlag, 2011), pp. 131–50.

³⁹ Kant, *Religion*, pp. 93–94.

⁴⁰ *Ibid.*, p. 96.

⁴¹ *Ibid.*

Kant believes that human beings are unable to form an ethical community directly, due to an inherent weakness in human nature. Instead, they must rely on the historical, social institutions already available, i.e. ecclesiastical faiths. Kant identifies the ideal of the ethical community with the Protestant conception of an invisible church. He argues that an ethical community can only be formed if it is thought of as a people of God following the divine commandments of reason. The visible church, according to Kant, ‘ist die wirkliche Vereinigung der Menschen zu einem Ganzen, das mit jenem Ideal zusammenstimmt’.⁴²

As Pheng Cheah points out, Kant’s willingness to waver between reality and ideal is what defines him as a political thinker.⁴³ Ideally, human beings would not require ecclesiastical faith to operate as moral agents. They would simply adopt the universal religion of reason: ‘Der reine Religionsglaube ist [...] bloßer Vernunftglaube’.⁴⁴ However, there is always a gap between ideal and reality — between man as he is and man as he ought to be. According to Kant, man has a natural tendency to attach concepts of reason to sensible representations, which is why organised religion remains a social necessity.

In *Zum Ewigen Frieden*, Kant acknowledges that religious diversity is an inescapable social reality.⁴⁵ In *Religion*, Kant explains:

Es ist nur *eine* (wahre) Religion; aber es kann vielerlei Arten des *Glaubens* geben. — Man kann hinzusetzen, daß in den mancherlei sich, der Verschiedenheit ihrer Glaubensarten wegen, von einander absondernden Kirchen dennoch eine und dieselbe wahre Religion anzutreffen sein kann.⁴⁶

We are now in a better position to understand Kant’s vision of religious diversity. He thinks that a range of historical faiths could act as vehicles for pure moral religion. This at least raises the *possibility* that Kant was willing to include Jews in his cosmopolitan vision.

Nonetheless, Kant is aware that historical faith and pure moral religion might conflict with one another. If the historically contingent elements of ecclesiastical faith — traditions, scripture, beliefs, rituals — dominate over the moral core, then the ethical community is threatened. Kant insists that churches must be willing to revise their contingent elements

⁴² Ibid., p. 101.

⁴³ Pheng Cheah, *Spectral Nationality: Passages of Freedom from Kant to Postcolonial Literatures of Liberation* (New York: Columbia University Press, 2003), p. 24.

⁴⁴ Kant, *Religion*, p. 102.

⁴⁵ Kant, *Zum ewigen Frieden*, p. 367.

⁴⁶ Ibid., p. 109.

to ensure that they remain faithful to the principles of moral religion. Stephen Palmquist explains:

Kant is not denying that each congregation or group of congregations may have its own traditions; but these organizational forms are contingent and thus “changeable,” so they may well be contradicted by other traditions. As a result, they “lack authenticity” as *essential* precepts of the church. Assuming that such traditions inevitably form an important part of any congregation, Kant’s important “caveat” is that a congregation that belongs to the “true church” must constantly *revise* these very traditions.⁴⁷

As we shall see, one of Kant’s main problems with traditional Judaism is that its representatives — the orthodox rabbis — resist adapting or deviating from traditional practices. By undermining freedom of conscience, they prevent a Jewish reform agenda directed toward moral religion. This is a perspective ignored by existing scholarship on Kant’s relationship to Jews and Judaism.

Kant is sometimes accused of anti-Jewish bias due to his repeated praise of Christianity at the expense of Judaism. In *Kritik der Urtheilskraft* (1790) Kant maintains that Christianity introduced far purer concepts of morality than anything that came before it.⁴⁸ In *Kritik der praktischen Vernunft* (1788), he argues that Jesus taught an ethics of autonomy. He insists: ‘Das christliche Prinzip der Moral [ist] selbst doch nicht theologisch (mithin Heteronomie) sondern Autonomie der reinen praktischen Vernunft’.⁴⁹

Nonetheless, Kant is well aware that the conflict between pure moral religion and historical faith is nowhere more apparent than in the history of Christianity. Let us not forget his complaint that the history of Christianity might well justify the exclamation: *tantum religio potuit suadere malorum!* In *Das Ende aller Dinge* (1794), Kant explains:

Sollte es mit dem Christentum einmal dahin kommen, daß es aufhörte lebenswürdig zu sein (welches sich wohl zutragen könnte, wenn es, statt seines sanften Geistes, mit gebieterischer Autorität bewaffnet würde): so müßte [...] eine Abneigung und Widersetzlichkeit gegen dasselbe die herrschende Denkart der Menschen werden.⁵⁰

⁴⁷ Stephen R. Palmquist, *Comprehensive Commentary on Kant’s Religion Within the Bounds of Bare Reason* (Malden: Wiley Blackwell, 2016), p. 272.

⁴⁸ Immanuel Kant, *Die Kritik der Urtheilskraft* [1790], AA, V, pp. 165–486 (p. 471).

⁴⁹ Immanuel Kant, *Die Kritik der praktischen Vernunft* [1788], AA, V, pp. 1–164 (p. 129).

⁵⁰ Immanuel Kant, *Das Ende aller Dinge* [1794], AA, VIII, pp. 325–40 (p. 339).

I read this passage as a warning to Christian authorities, theologians and clergy: should Christianity cease to recognise the moral message at its core, it will inevitably lose its paramount status in European society.

We can surmise that Kant regarded the Reformation as one of the most important events in the history of mankind. The Reformation was a symbolic victory for the freedom of thought, and thus a step closer to the ideal of pure moral religion. While we should not exaggerate the connection between Luther and Kant — Kant is sometimes described as the philosopher of Protestantism⁵¹ — it is certainly true that both thinkers favoured personal autonomy in their assault against ecclesiastical orthodoxy.⁵² In *Religion*, Kant uses the term ‘Protestant’ to refer, approvingly, to any churches which protest against official dogmas and hierarchical authority:

Wenn eine Kirche, die ihren Kirchenglauben für allgemein verbindlich ausgibt, eine katholische, diejenige aber, welche sich gegen diese Ansprüche anderer verwahrt (ob sie gleich diese öfters selbst gerne ausüben möchte, wenn sie könnte), eine *protestantische* Kirche genannt werden soll; so wird ein aufmerksamer Beobachter manche rühmliche Beispiele von protestantischen Katholiken, und dagegen noch mehrere anstößige von erkatholischen Protestanten antreffen; die erste von Männern einer sich *erweiternden* Denkungsart (ob es gleich die ihrer Kirche wohl nicht ist), gegen welche die letzteren mit ihrer *ingeschränkten* gar sehr, doch keineswegs zu ihrem Vorteil, abstechen.⁵³

Kant should be read, I argue, as a philosopher of religious reform. This is key to understanding his attitude toward Judaism. One of my central arguments is that Kant supported a ‘Reformation’ within Judaism. He believed that Jews should reject the ecclesiastical authority of the rabbis and take the path of spiritual freedom. Indeed, as we shall see, this is precisely how his philosophy of religion was interpreted by some of his Jewish followers.

⁵¹ Friedrich Paulsen, *Kant der Philosoph des Protestantismus* (Berlin, 1899).

⁵² On this subject, see Elizabeth Galbraith, *Kant and Theology: Was Kant a Closet Theologian?* (San Francisco: International Scholars Publications, 1996), p. 95.

⁵³ Kant, *Religion*, p. 109.

Kant and the Jews

In the existing literature on the subject, Kant is usually portrayed as an opponent of Judaism. In English-language scholarship, we often read something like this: ‘For Kant, Judaism was nothing more than a collection of “statutory” laws and therefore “really not a religion at all”’.⁵⁴ This summary is based on Kant’s account of Judaism in *Religion*, which we will arrive at shortly. When Kant’s remarks about *historical* Judaism are taken out of context, as often occurs, we can be misled into believing that Kant adopted a transhistorical, essentialist conception of Judaism. Michael Mack, for example, argues that Kant ‘developed a rather static and essentialist notion of the Jewish as the “heteronomous” in direct opposition to the “rational”’.⁵⁵

As I have shown, however, one of Kant’s key arguments is that all organised religions — Christianity, Hinduism, Islam, Judaism, etc. — are historically and socially embedded. In Kant’s opinion, there is no single legitimate form of religious Judaism — or, for that matter, of any religion. Like all historical religions, Judaism must be assessed from the perspective of past, present and future. Kant’s critique of Judaism can only be understood if we recognise his implicit distinction between organised religion *as it is* and organised religion *as it ought to be*. His philosophy of religion aims at reducing the gap between religious ideal and reality.

When scholars study Kant’s views of Judaism, they usually limit their account to his brief discussion in *Religion*. All too often, however, they ignore the wider context of Kant’s argument. Thus, they overlook the fact that Kant is only speaking about ‘original’ Judaism, i.e. the epoch of Judaism presumably between the Exodus from Egypt and the Babylonian captivity. I shall argue that Kant’s description of ancient Judaism helps us understand his views about the possibility of Jewish religious reform. However, it should not be regarded as his definitive statement about all things Jewish.

Kant discusses ancient Judaism in his chapter on the history of the universal moral church. As I mentioned above, Kant wants to demonstrate that the moral principles of

⁵⁴ Steven B. Smith, ‘Leo Strauss: Between Athens and Jerusalem’, in *Leo Strauss: Political Philosopher and Jewish Thinker*, ed. by Kenneth L. Deutsch and Walter Nicgorski (Lanham, MD: Rowman, 1994), pp. 81–105 (p. 93).

⁵⁵ Mack, *German Idealism and the Jew*, p. 39.

Christianity are entirely new and revolutionary. He states that the empirical history of the universal moral church begins only when ecclesiastical faith becomes aware of its dependence on pure moral religion. According to Kant, its history does *not* begin with ancient Judaism. He contends that there is a radical discontinuity between ancient Judaism and Christianity, since they rely upon completely different principles: ancient Judaism taught an ethics of obedience, whereas Jesus taught an ethics of autonomy:

Da zeigt sich nun zuerst: daß der jüdische Glaube mit diesem Kirchenglauben, dessen Geschichte wir betrachten wollen, in ganz und gar keiner wesentlichen Verbindung, d.i. in keiner Einheit nach Begriffen steht.⁵⁶

On this point, Kant could easily be misunderstood. He is not denying that Judaism and Christianity stand in a *historical* relationship. Nor is he saying that, institutionally, Judaism and Christianity share no characteristics. Rather, he is asserting that there is no connection between ancient Judaism and *true* Christianity, i.e. pure moral religion. Kant's description of ancient Judaism begins with the following passage:

Der jüdische Glaube ist, seiner ursprünglichen Einrichtung nach, ein Inbegriff bloß statutarischer Gesetze, auf welchem eine Staatsverfassung gegründet war; denn welche moralische Zusätze entweder damals schon, oder auch in der Folge ihm angehängt worden sind, die sind schlechterdings nicht zum Judentum, als einem solchen, gehörig. Das letztere ist eigentlich gar keine Religion, sondern bloß Vereinigung einer Menge Menschen, die, da sie zu einem besondern Stamm gehörten, sich zu einem gemeinen Wesen unter bloß politischen Gesetzen, mithin nicht zu einer Kirche formten.⁵⁷

Understandably, this passage is often quoted in support of the argument that Kant is an opponent of Judaism. Like Spinoza, whose work Kant was undoubtedly familiar with, Kant reduces ancient Judaism to political legalism. He continues his discussion by raising several arguments in support of his conclusion that ancient Judaism is political in nature. First, divine commandments are imposed as coercive laws, and thus concern only external observance. Second, ancient Judaism confines reward and punishment to this world. Third, ancient Judaism does not contain any essential belief in immortality, which is a key feature

⁵⁶ Kant, *Religion*, p. 125.

⁵⁷ *Ibid.*, p. 125.

of moral religion. Fourth, the Israelites saw themselves as a chosen people, who existed separate from humanity as a whole.⁵⁸

Before I look at each of these arguments separately, I want to address a common misunderstanding of Kant's description of ancient Judaism in *Religion*: the view that he advanced a 'distinctly political argument about modern Jewry'.⁵⁹ Several modern commentators argue that Kant regarded his Jewish contemporaries as incapable of fulfilling the duties of citizenship, due to their adherence to a heteronomous political religion. By denying Judaism the status of religion, so the argument goes, Kant outed himself as an opponent of Jewish emancipation. According to Renate Best: 'Damit stimmte er mit Emanzipationsgegnern wie Michaelis and Fichte überein'.⁶⁰

There are several reasons for doubting that Kant's *Religion* was intended as an intervention in the political debate about the Jews. First, it should be observed that Kant, in *Religion*, does not expect members of a political community to be morally autonomous. On the contrary, he tells us that they remain in an ethical state of nature. In Kant's view, all citizens owe unquestioning *obedience* to the law. Since judicial law relies on a system of external coercion, they do not need to be ethically motivated. In *Zum Ewigen Frieden*, Kant famously claims: 'Das Problem der Staatserrichtung ist, so hart wie es auch klingt, selbst für ein Volk von Teufeln (wenn sie nur Verstand haben) auflösbar'.⁶¹ Laws of a state can force citizens to obey the law and act as if they were virtuous, but the state is unable to make its citizens be morally virtuous.⁶² From this perspective, Jews would qualify for citizenship so long as they fulfil the duties of citizenship, regardless of their motivation.

Second, Kant's conclusion that ancient Judaism does not qualify as a religion is not meant as an attack on Judaism as such. We shall look at his reasons for arriving at this conclusion shortly. Here I only want to reiterate that Kant has a very restrictive conception of religion. Repeatedly, he distinguishes between pure moral religion and historical faith.

⁵⁸ *Ibid.*, pp. 126–27.

⁵⁹ Jonathan Hess, *Germans, Jews and the Claims of Modernity* (New Haven: Yale University Press, 2002), p. 156. See also Miriam Leonard, *Socrates and the Jews: Hellenism and Hebraism from Moses Mendelssohn to Sigmund Freud* (Chicago: University of Chicago Press, 2012), pp. 58–60.

⁶⁰ Renate Best, 'Juden und Judenbilder in der gesellschaftlichen Konstruktion einer deutschen Nation (1781–1804)', in *Nation und Religion in der deutschen Geschichte*, ed. by Heinz-Gerhard Haupt and Dieter Langewiesche (Frankfurt a.M.: Campus Verlag, 2001), p. 200.

⁶¹ Kant, *Zum Ewigen Frieden*, p. 366.

⁶² Roger J. Sullivan, *Immanuel Kant's Moral Theory* (Cambridge: Cambridge University Press, 1989), p. 246.

In Kant's view, even ordinary Christians belong to the Christian faith rather than moral religion:

Es ist daher schicklicher (wie es auch wirklich mehr im Gebrauche ist), zu sagen: dieser Mensch ist von diesem oder jenem (jüdischen, mohammedanischen, christlichen, katholischen, lutherischen) Glauben, als: er ist von dieser oder jener Religion. Der letztere Ausdruck sollte billig nicht einmal in der Anrede an das große Publikum (in Katechismen und Predigten) gebraucht werden; denn er ist diesen zu gelehrt und unverständlich.⁶³

It should be observed that Mendelssohn makes a similar statement about Judaism in *An die Freunde Lessings* (1786): 'Auch ist das Judentum keine geoffenbarte Religion, sondern geoffenbartes Gesetz'.⁶⁴ Like Kant, Mendelssohn argues that moral religion by definition cannot be political. Although Kant and Mendelssohn disagree on several vital matters — as we shall see — both think that legalism is the distinctive element of traditional Judaism. In my view, Kant's statement that ancient Judaism does not qualify as a religion should be read as a descriptive rather than a normative claim. While later thinkers, such as Christian Ludwig Paalzow, adopted Kant's definition of Judaism to attack the Jews, this was not Kant's intention in *Religion*.⁶⁵

Third, Kant is careful to qualify his claim that the Jewish faith consists of a collection of statutory laws. He repeatedly states that he is only speaking about 'original' Judaism. In a different part of *Religion*, Kant writes:

Die verschiedenen Glaubensarten der Völker geben ihnen nach und nach auch wohl einen im bürgerlichen Verhältniß äußerlich auszeichnenden Charakter, der ihnen nachher, gleich als ob er Temperamenteigenschaft im Ganzen wäre, beigelegt wird. So zog sich der Judaism seiner ersten Einrichtung nach, da ein Volk sich durch alle erdenkliche, zum Theil peinliche Observanzen von allen andern Völkern absondern und aller Vermischung mit ihnen vorbeugen sollte, den Vorwurf des Menschenhasses zu. Der Mohammedanism unterscheidet sich durch Stolz, weil er statt der Wunder an den Siegen und der Unterjochung vieler Völker die Bestätigung seines Glaubens findet, und seine Andachtsgebräuche alle von der muthigen Art sind. Der hinduische Glaube giebt seinen Anhängern den Charakter der Kleinmüthigkeit.⁶⁶

⁶³ Kant, *Religion*, p. 108.

⁶⁴ Moses Mendelssohn, *An die Freunde Lessings*, JubA, III.2, p. 196.

⁶⁵ For example, see Christian Ludwig Paalzow, *Die Juden: Nebst einigen Bemerkungen über das Sendschreiben an Herrn Oberconsistorialrath and Probst Teller zu Berlin von einigen Hausvätern jüdischer Religion* (Berlin, 1799), pp. 20–24.

⁶⁶ Kant, *Religion*, p. 184.

It is evident that Kant held a negative opinion of ancient Judaism. However, we need to pay close attention to Kant's choice of words. Is it a coincidence that Kant speaks about Hinduism and Islam in the present tense, while mentioning Judaism only in the past tense? It is my contention that Kant wanted to prevent his readers from drawing false conclusions about his attitude toward present-day Judaism or his Jewish contemporaries.

Indeed, in a passage often ignored by scholars, Kant explains that by the time of Jesus, Judaism had, at least partially, been transformed into a moral religion, due to the influence of Greek philosophy. He argues that 'vernünftige wohldenkende Volkslehrer' interpreted their holy books in such a way as to bring the teachings into conformity with universal moral principles: 'Das spätere Judentum und selbst das Christentum besteht aus solchen zum Teil sehr gezwungenen Deutungen'.⁶⁷ This supports my contention that Kant saw institutional religion as inherently embedded in a social, cultural and historical context. As we shall see, Kant regarded some of his Jewish contemporaries — including Moses Mendelssohn — as reformers of the Jewish religion.

Although Kant's *Religion* should not be read as a contribution to the debate on the Jews' civil status, I think it is appropriate that we should ask ourselves whether we can learn anything about Kant's attitude towards his Jewish contemporaries. More specially: do Jews have a place in Kant's ethical commonwealth? Let us examine Kant's claim that ancient Judaism was not a religion.

Kant points out that ancient Judaism lacked a doctrinal formulation of the afterlife. He regards the immortality of the soul as one of three postulates of practical reason, and thus an essential element of pure moral faith. It makes sense, then, that Kant should deny ancient Judaism the status of universal moral religion. However, this tells us very little about Kant's attitude towards his Jewish contemporaries. According to Rose, Kant 'condemns the Jews for neglecting the doctrine of human immortality'.⁶⁸ This is not correct. Kant merely observes that *ancient* Judaism does not contain such a teaching:

⁶⁷ *Ibid.*, pp. 110–11.

⁶⁸ Paul Lawrence Rose, *Revolutionary Antisemitism in Germany from Kant to Wagner* (Princeton: Princeton University Press, 1990), p. 95.

Ob nun gleich auch nicht zu zweifeln ist, daß die Juden sich nicht in der Folge, ein jeder für sich selbst, einen gewissen Religionsglauben werden gemacht haben, der den Artikeln ihres statutarischen beigemengt war, so hat jener doch nie ein zur Gesetzgebung des Judentums gehöriges Stück ausgemacht.⁶⁹

In other words, Kant admits that Jews have stepped closer towards universal morality by adopting beliefs and concepts which they derive from sources external to Judaism. Moreover, Kant does not deny that concepts of immortality could be adopted by Judaism through religious reform.

Indeed, Kant was well aware that most famous eighteenth-century philosophical defence of the immortality of the soul was written by a Jew: Mendelssohn. Paul Guyer has argued that it was Mendelssohn who inspired Kant's own thinking about immortality.⁷⁰ Of course, Mendelssohn was not the only post-biblical Jew by the eighteenth century to believe in the immortality of the soul. The conception of an immortal soul is found in early rabbinic sources. It was also accepted by Maimonides, who rejected the idea of bodily resurrection.⁷¹ Maimonides may be one of the great Jewish teachers Kant refers to.

A similar point can be made concerning Kant's argument about Jewish particularism. Certainly, traditional Judaism does not provide solid foundations for a universal Kantian church. The traditional Jewish doctrine of chosenness does not sit very well with universalist (religious) aspirations. It is precisely for this reason, however, that Jewish thinkers — traditional and non-traditional — have tried to wrestle with this problem. Maimonides, for example, affirms Jewish chosenness while explicitly denying the notion of inherent moral or ethnic superiority.⁷² By the eighteenth century, a large and growing number of Jewish thinkers had embraced the ideals of universal humanism.⁷³ Membership of Kant's ethical community requires a commitment to universalist ethics, i.e. a willingness to treat other people as ends not means. Adherence to traditional Judaism, I argue, does not

⁶⁹ Kant, *Religion*, p. 126.

⁷⁰ Paul Guyer, 'Kant, Mendelssohn, and Immortality', in *The Highest Good in Kant's Philosophy*, ed. Thomas Höwing (Berlin: de Gruyter, 2016), pp. 157–80 (p. 161).

⁷¹ Neil Gillman, *Doing Jewish Theology: God, Torah & Israel in Modern Judaism* (Woodstock: Jewish Lights, 2010), p. 61.

⁷² On this subject, see Menachem Kellner, 'Chosenness, Not Chauvinism: Maimonides on the Chosen People', in *A People Apart: Chosenness and Ritual in Jewish Philosophical Thought*, ed. by Daniel H. Frank (Albany, NY: State University of New York Press, 1993), pp. 51–76.

⁷³ For example, Moses Hirschel, *Apologie des Menschenrechts* (Zurich, 1793), p. 41.

prevent one from making such a commitment. Evidently, two of Kant's observations about ancient Judaism tell us very little about his attitude toward his Jewish contemporaries.

However, the same cannot be said about Kant's main observation about ancient Judaism. As I highlighted in the previous section, Kant distinguishes between heteronomous and autonomous laws. For Kant, an ethical community consists of rational, autonomous actors, who regard the moral law as freely self-imposed. It is unsurprising, then, that Kant is troubled by the fact that traditional Judaism is a legalistic faith, which imposes divine commandments as coercive laws. Since legalism was a central aspect of the Judaism of Kant's day, this argument provides some valuable insights into his attitude towards his Jewish contemporaries. For example, in Mendelssohn's *Jerusalem* we read: 'Alle Befehle des göttlichen Gesetzes sind an den Willen, an die Thatkraft der Menschen gerichtet'.⁷⁴

I am not suggesting that Kant was concerned with the ethical content of Jewish law. Let us not forget that Kant is primarily interested in the motivational aspect of morality, not necessarily the resulting action. According to Kant, we must obey the Ten Commandments, but only insofar as they exist as self-imposed moral convictions. In traditional Judaism, these laws are not *freely* chosen. Traditionally observant Jews do not meet the entry requirements of the ethical community, since they do not subject their actions to the universal ethical standards of the categorical imperative.

By this point in Kant's argument, most of his modern interpreters will have concluded that Kant's thought contains strongly anti-Jewish elements. Even those who deny Kant's alleged anti-Semitism tend to admit that Kant 'like all of us, was subject to limitations of vision arising from biographical and cultural influences'.⁷⁵ Before we reach this conclusion, however, I think it is appropriate to ask whether an orthodox Christian could enter Kant's ethical commonwealth. After all, if he cannot, then it might be more accurate to describe Kant as anti-orthodox.

The answer, I think, is a resounding negative. Kant's version of Christianity bears only passing resemblance to Christian orthodoxy. His philosophical theology assumes that reason alone should dictate what is necessary for moral salvation. For this reason, 'various

⁷⁴ Mendelssohn, *Jerusalem*, p. 166.

⁷⁵ DiCenso, *Kant, Religion and Politics*, p. 263.

traditional doctrines are treated in a way that many Christians would find unacceptable'.⁷⁶ Kant rejects as irrational and unnecessary several traditional doctrines of Christianity, such as the Trinity, predestination, divine punishment, Christ's resurrection, and salvation through faith. Karl Barth famously accused Kant of following the same trajectory as Pelagius by assuming that man is capable of his own salvation.⁷⁷ According to several modern interpreters, the gulf between Kant's philosophy of religion and orthodox Christianity is so wide that Kant's philosophy must be rejected as unsuitable for anyone with orthodox Christian commitments.⁷⁸

Leaving theological matters aside, Kant has several negative things to say about so-called traditional Christians. He blames the terrible voice of orthodoxy for dividing the Christian faith and weighing down ordinary people with blind superstition. Kant differentiates between 'religion of the pursuit of favour' (*die Religion der Gunstbewerbung*) and true moral religion.⁷⁹ He implies that most practising Christians belong in the former category. They slavishly perform cult acts in the hope that God will overlook their sins.

Kant's enlightened religion

Kant believed that all religions — even, I shall argue, Judaism — could *become* historical vehicles for pure rational religion. He hoped that religious communities throughout the world would purify their doctrines and practices through the influences of enlightened reason. Indeed, he believed that the process of religious purification had already begun. As a result of the Reformation, Christianity had split into numerous denominations, which had weakened the secular and spiritual authority wielded by the papacy. This had created space for innovative ethical and religious thinking. In Kant's

⁷⁶ Pasternack, *Kant on Religion*, p. 247.

⁷⁷ Karl Barth, *Protestant Thought, from Rousseau to Ritschl* (New York: Harper, 1959), p. 187.

⁷⁸ See, for example, Keith Yandell, 'Who is the True Kant?' *Philosophia Christi*, 9 (2007), 81–97.

⁷⁹ Kant, *Religion*, p. 51.

view, Christianity is only gradually, after centuries of darkness and superstition, transforming into (or returning to) universal moral religion:

Fragt man nun: welche Zeit der ganzen bisher bekannten Kirchengeschichte die beste sei, so trage ich kein Bedenken, zu sagen: es ist die jetzige, und zwar so, daß man den Keim des wahren Religionsglaubens, so wie er jetzt in der Christenheit zwar nur von einigen, aber doch öffentlich gelegt worden, nur ungehindert sich mehr und mehr darf entwickeln lassen, um davon eine kontinuierliche Annäherung zu derjenigen, alle Menschen auf immer vereinigenden Kirche zu erwarten, die die sichtbare Vorstellung (das Schema) eines unsichtbaren Reiches Gottes auf Erden ausmacht.⁸⁰

According to Kant, only one condition is required for enlightenment — and thus the purification of religion — to occur: the public use of reason. Kant’s ideal political society is one which guarantees not only the freedom of thought, but also the freedom of speech and the freedom of press.⁸¹ This is where Kant’s political and ethical thinking conjoin. Kant thought that freedom of communication was especially necessary in religious matters. When theological edifices remain beyond the realm of public testing, our capacity to engage critically with the world is endangered. In *Was ist Aufklärung?* Kant argues that no church can legitimately bind future generations to unalterable religious conceptions:

Ein Zeitalter kann sich nicht verbünden und darauf verschwören, das folgende in einen Zustand zu setzen, darin es ihm unmöglich werden muß, seine (vornehmlich so sehr angelegentliche) Erkenntnisse zu erweitern, von Irrtümern zu reinigen, und überhaupt in der Aufklärung weiter zu schreiten. Das wäre ein Verbrechen wider die menschliche Natur, deren ursprüngliche Bestimmung gerade in diesem Fortschreiten besteht; und die Nachkommen sind also vollkommen dazu berechtigt, jene Beschlüsse, als unbefugter und frevelhafter Weise genommen, zu verwerfen. Der Probiestein alles dessen, was über ein Volk als Gesetz beschlossen werden kann, liegt in der Frage: ob ein Volk sich selbst wohl ein solches Gesetz auferlegen könnte.⁸²

I see this as a crucial passage, for as we shall see, Kant believes that the everlasting covenant made between God and the Jewish people is illegitimate.

For Kant, the Protestant Reformation introduced the beginning of a new epoch of freedom for *Christians*: ‘Unser Zeitalter ist das eigentliche Zeitalter der Kritik, der sich

⁸⁰ Kant, *Was ist Aufklärung?*, p. 35.

⁸¹ Immanuel Kant, *Was heißt: Sich im Denken orientieren?* [1786], AA, VIII, pp. 131–49 (p. 144).

⁸² Kant, *Was ist Aufklärung?*, p. 39.

alles unterwerfen muß'.⁸³ It marked a step away from the injustice and religious superstition pervasive in pre-modern Europe. Kant was well aware that no such equivalent movement had occurred within Judaism. Shmuel Feiner has observed that 'the first freethinking Jews emerged in a climate of suspicion, demonization, and delegitimization'.⁸⁴ Even in the late eighteenth century, rabbinic traditionalists employed a wide range of tactics to prevent *maskilim* from undermining their religious monopoly.⁸⁵

Kant implicitly draws parallels between Judaism and Catholicism. He states that the structure of an ethical community should be neither monarchical (ruled by a pope or patriarch) nor aristocratic.⁸⁶ He describes ancient Judaism as a theocracy — 'eine Aristokratie der Priester'.⁸⁷ While Kant sometimes uses the term 'theocracy' in reference to his concept of a universal ethical community, his emphasis here is on the authoritarian nature of Jewish society. In Kant's view, traditionally observant Jews do not only suffer the internal unfreedom of theological morality. They also suffer the external unfreedom of political tyranny.

Kant's philosophical critique of traditional Judaism must be read against the background of the anti-clerical assaults launched upon the rabbinical elite by radical *maskilim*. Although intra-Jewish controversies only became public during the 1780s, tensions between rabbinical traditionalists and *maskilim* had been simmering for some time. In 1770, Kant received an astonishing letter from Marcus Herz, one of his Jewish disciples:

Sie allein sind es dem ich meine glückliche Veränderung des Zustandes zu danken habe, dem ich ganz mich selbst schuldig bin; ohne Ihnen würde ich noch jezo gleich so vielen meiner Mitbrüder, gefeßelt am Wagen der Vorurtheile ein Leben führen, das einem jeden viehischen Leben nach zu setzen ist; ich würde eine Seele ohne Kräfte haben, ein Verstand ohne Thätigkeit, kurz ohne Ihnen wäre ich dies was ich vor vier Jahre war, das ist, ich wäre nichts.⁸⁸

⁸³ Kant, *Kritik der reinen Vernunft*, p. 9.

⁸⁴ Shmuel Feiner, *The Origins of Jewish Secularization in Eighteenth-Century Europe*, trans. by Chaya Naor (Philadelphia: University of Pennsylvania Press, 2010), p. 84.

⁸⁵ *Ibid.*, p. 253.

⁸⁶ Kant, *Religion*, p. 102.

⁸⁷ *Ibid.*, p. 125.

⁸⁸ Herz to Kant, 11 September 1770, AA, X, pp 99–103 (pp. 99–100).

The wording of this letter is remarkable. Herz claims that many of his co-religionists are chained to their prejudices, living animalistic lives.⁸⁹ Certainly, one could forgive Kant for arriving at the conclusion that the Enlightenment had not yet penetrated Jewish circles.

It was also Herz who made Kant aware of the Jewish early burial controversy.⁹⁰ In his pamphlet *Über die frühe Beerdigung der Juden* (1787) — which Kant read and praised⁹¹ — Herz attacks the rabbinical elite for ignoring the latest scientific and medical opinion concerning early burial. Despite the evidence demonstrating that certainty of death could not be established for at least three days, prominent representatives of the rabbinical elite continued to demand immediate burial of the dead in line with Talmudic custom and law. After listing the evidence, Herz declares: ‘Diejenigen, meine Herren, die sich drehen und wenden, um diesem unsittlichen Verfahren, eine religiöse Farbe aufzuzwingen, bedenken den großen Schaden nicht, welchen sie ihrer Religion dadurch verursachen’.⁹² Seen from this angle, one can understand why Kant was troubled by certain aspects of traditional Judaism.

By the early 1780s, intra-Jewish conflicts had begun to attract the attention of external observers. Shmuel Feiner has observed that the Wessely affair, which I mentioned in a previous chapter, had made all the abuses of rabbinical culture well known.⁹³ The anti-clerical deist Friedrich August Cranz published several works highlighting contemporary cases of rabbinic abuse. In *Über den Missbrauch der geistlichen Macht* (1781), Cranz offers his opinion about Chief Rabbi Cohen of Altona, who some years earlier had tried to ban Mendelssohn’s Bible translation. He compares Rabbi Cohen to Johann Melchior Goeze, Lessing’s infamous opponent in the *Fragmentenstreit*.⁹⁴ In *Über die bürgerliche Verbesserung der Juden*, Dohm notes that Cranz’s pamphlet had prompted the government of Altona to investigate contemporary cases of rabbinic abuse.⁹⁵

⁸⁹ On the relationship between Kant and Herz, see Martin L. Davies, *Identity or History? Markus Herz and the End of the Enlightenment* (Detroit: Wayne State University Press, 1995), pp. 19–46

⁹⁰ Falk Wiesemann, ‘Jewish Burials in Germany — Between Tradition, the Enlightenment and the Authorities’, *Leo Baeck Institute Yearbook*, 37 (1992), 17–37

⁹¹ Kant to Herz, 24 December 1787, AA, X, p. 512–13 (p. 512).

⁹² Marcus Herz, *An die Herausgeber des hebräischen Sammlers über die frühe Beerdigung der Juden* (Berlin, 1787), p. 17.

⁹³ Shmuel Feiner, *The Jewish Enlightenment*, trans. by Chaya Naor (Philadelphia: University of Pennsylvania Press, 2002), pp. 165–66.

⁹⁴ August Friedrich Cranz, *Über den Missbrauch der geistlichen Macht* (Berlin, 1781), p. 38.

⁹⁵ Dohm, *Verbesserung* [1783], p. 68.

By the last decade of the eighteenth century, several Jewish thinkers had openly turned their backs on the ceremonial laws and the rabbinical hierarchy. The fiercest attack was Moses Hirschel's *Kampf der jüdischen Hierarchie mit der Vernunft* (1788). In the debate between Mendelssohn and Kant on moral progress in history, Hirschel unequivocally sides with the latter. He argues that the law of nature demands that nations and cultures progress and improve.⁹⁶ According to Hirschel, the Jews are an isolated anomaly; Moses and the other leaders of Israel had concluded a contract which renounced enlightenment for later generations — precisely what Kant had prohibited:

Sie kleideten ihre Lehren und Gesetze in einen Gedächtnißkram, der der Vernunft nie anschaulich ist; wie sollten da edle Empfindungen und Gesinnungen bewirkt, wie sollten da ausdauernde Thätigkeiten fürs Gute und Große hervorgebracht werden? Sie gaben uns, ihrem Eigennutze, Interesse und Herrschsucht gemäß, eine solche Verfassung von Ungeselligkeit, Geringschätzung und Verachtung gegen alle andere Nationen, machten die allgemeine Liebe des Allvaters zu seinen Geschöpfen zu einem Monopolium für uns, um uns alle Communication mit andern Völkern, wodurch wir Aufklärung und bessere Einsichten erlangen könnten, völlig abzuschneiden. Sie haben uns in einen solchen Schwall von nonsensicalischen Gesetzen, Gebräuchen, Ceremonien, und Meinungen verflochten, die uns zu jeden Pflichten eines Staats- und Weltbürgers völlig unfähig machen; und daher wiederum die Geringschätzung, Haß und Verachtung aller andern Nationen gegen uns.⁹⁷

Like Kant, Hirschel believes that freedom of communication is a prerequisite for enlightenment. He praises Frederick the Great for robbing the Jewish hierarchy of their secular powers: 'Der Erfolg hievon war Denkfreyheit'.⁹⁸ Hirschel attacks the rabbis for trying to keep the Jews bound in old chains. They are the ones, he argues, who deny the Jews their human rights. He expresses gratitude to the Prussian government for protecting him from rabbinic persecution:

Keine Furcht soll mich abhalten, zum Wohl meiner Nation hinzuarbeiten; denn ich habe das Glück preußischer Unterthan zu seyn, und stehe unter preußischen Gesetzen und Regierung, die in ganz Europa bewundert wird, die mich also für öffentlicher Verfolgung schützen kann und wird.⁹⁹

⁹⁶ Moses Hirschel, *Kampf der jüdischen Hierarchie mit der Vernunft* (Breslau, 1788), p. 21.

⁹⁷ *Ibid.*, p. 13.

⁹⁸ *Ibid.*, p. 34.

⁹⁹ *Ibid.*, p. 38.

In later works, Hirschel used similarly anti-clerical language to attack the Catholic Church. This was no coincidence. As Ari Joskowicz has argued, Jews like Hirschel were able to use anti-clericalism to ‘build new coalitions and find novel ways of belonging in the modern period’.¹⁰⁰ For Hirschel, anti-clericalism was a way to express his allegiance to the Protestant Enlightenment to which Kant belonged also.

It is unlikely that Kant read Hirschel’s obscure treatise. Certainly, however, he would have read Salomon Maimon’s *Lebensgeschichte* (1792–93), which provided a more balanced but ultimately just as damaging account of traditional Jewish life. According to Maimon, original Judaism, during the age of the nomadic patriarchs, was a natural religion, which rested on the idea of the unity of an incomprehensible God.¹⁰¹ It was transformed into a positive religion by the creation of the Jewish state, which was founded on the principle that true religion should harmonise the interests of the state with that of the individual. According to Maimon, this principle was forgotten after the destruction of the Second Temple. The legal element of Judaism — Jewish theocracy — was preserved only because the Jewish nation depended on it for survival.¹⁰²

Like Kant, Maimon believes that historical religions must be willing to adapt according to place and circumstance, in order for the moral element of religion to be maintained. In his view, the leaders of the Jewish nation in the diaspora adopted a completely false method of scriptural interpretation, by assuming that the laws were meant to apply eternally:

Diese Methode ist nicht diejenige die die Vernunft befiehlt, die Gesetze ihrem Zwecke nach, der Zeit und den Umständen gemäß zu modificiren, sondern diejenige, die auf gewisse Regeln in Ansehung des schriftlichen Ausdrucks beruht.¹⁰³

By the fifth epoch of Judaism, which began with the completion of the Talmud, a labyrinth of different religious beliefs, interpretations, conflicts and decisions had been codified into law, as a result of the mistaken belief that Jewish law was meant to be valid

¹⁰⁰ Ari Joskowicz, ‘Jewish Anticlericalism and the Making of Modern Jewish Politics in Late Enlightenment Prussia and France’, *Jewish Social Studies*, 17 (2011), 40–77 (p. 64).

¹⁰¹ Salomon Maimon, *Salomon Maimon’s Lebensgeschichte von ihm selbst geschrieben*, ed. by Karl P. Moritz, 2 vols (Berlin, 1792–93), I, p. 157. On Maimon’s conception of Judaism, see Benjamin Pollock, ‘Theocracy and the Idea of God: Salomon Maimon on Judaism between True Religion and Despotism’, in *Politics, Religion and Political Theology*, ed. by C. Allen Speight and Michael Zank (Boston: Springer, 2017), 125–150.

¹⁰² *Ibid.*, p. 159.

¹⁰³ *Ibid.*, pp. 159–60.

forever.¹⁰⁴ In Maimon's view, Rabbinic Judaism is an abuse of Judaism's original purity: 'Ein Jude darf weder essen noch trinken, weder bey seiner Frau schlafen noch seine Nothdurft verrichten, ohne dabey eine ungeheure Anzahl Gesetze zu beobachten'.¹⁰⁵ Like Kant, Maimon describes Rabbinic Judaism as an aristocracy: 'Die jüdische Nation ist, ohne Rücksicht auf zufällige Modifikationen, eine unter dem Schein der Theokratie, immer währende Aristokratie'.¹⁰⁶ He says that it suffers from all the abuses and corruption inherent in such a constitution.¹⁰⁷ Maimon gives many examples of rabbinic abuse. Speaking of his own experiences in Poland, he explains that the rabbis actively impede the advance toward enlightenment:

Ich kannte zu gut den rabbinischen Despotismus, der durch die Macht des Aberglaubens schon seit vielen hundert Jahren in Polen seinen Thron befestigt hat, und der zu seiner Sicherheit, die Ausbreitung von Licht und Wahrheit auf alle mögliche Art zu verhindern sucht.¹⁰⁸

Maimon cites several Jews who rallied against the abuses of aristocratic authority. The first was Jesus, who brought the ceremonial law back to its origin: pure moral religion. The second was Sabbatai Sevi, who announced himself as the Messiah and attempted to introduce an equivalent 'Reformation' (Maimon uses the Christian term) for the remainder of the nation. Sevi's aim was to eliminate the ceremonial law, especially the rabbinic additions.¹⁰⁹ By portraying Jesus as a Jewish reformer, Maimon grants ancient Judaism a meaningful role in history. However, as he was well aware, his depiction of ancient Judaism bears very little resemblance to Rabbinic Judaism.

Kant's discussion of Judaism, in *Religion* and other texts, must be read against the background of the Jewish *Kulturkampf* being waged in the last two decades of the eighteenth century. In *Kampf der jüdischen Hierarchie* (1789) Hirschel divides the Jewish community into two conflicting camps: orthodoxy and heterodoxy. Without a doubt, Kant strongly related to the concerns of the radical *maskilim*, who could not identify with the religious values of traditional Judaism. Kant's critique of traditional Judaism should not

¹⁰⁴ Ibid., p. 164.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., II, pp. 265–66.

¹⁰⁷ Ibid., I, p. 214.

¹⁰⁸ Ibid., II, p. 234.

¹⁰⁹ Ibid., I, p. 215.

only be understood as an attack on religious heteronomy but also as a critique of illegitimate political practices, i.e. rabbinic despotism.

By the time Kant wrote *Religion*, a number of Jewish thinkers in the heterodox camp had begun contemplating Jewish reform. For the remainder of this chapter, I shall address the issue of Jewish religious reform. My discussion will examine not only Kant's proposals, but also those of Lazarus Bendavid and Saul Ascher, who offered important responses to the philosophical objection to Jewish law. First, however, I want to mention Kant's relationship to Moses Mendelssohn. It was Mendelssohn, after all, who attempted to reconcile Judaism with unlimited freedom of conscience.

Kant and Mendelssohn

In Kant's view, Mendelssohn had placed the modern agenda of Jewish reform squarely on the table. In his preface to Menasseh ben Israel's *Vindiciae Judaearum* (1782), Mendelssohn had disputed Dohm's argument that Jewish communities should be allowed to retain the right of excommunication. According to Mendelssohn, all forms of religious coercion are rationally indefensible and incompatible with Judaism's religious teachings. In a passage which Kant almost certainly agreed with, Mendelssohn explains: 'Die wahre, göttliche Religion maßt sich keine Gewalt über Meinungen und Urtheile an; [...] kennet keine andere Macht, als die Macht durch Gründe zu gewinnen, zu überzeugen'.¹¹⁰

The most significant response to Mendelssohn came from Cranz. His anonymously published *Das Forschen nach Licht und Recht* (1782) publicly challenged Mendelssohn to reveal his philosophy of Judaism. According to Cranz, Judaism shares with Christianity its worship of the one true God. What distinguishes Judaism from Christianity is the Jewish church system with all its laws and regulations.¹¹¹ Cranz contends that Mendelssohn, by rejecting the right of excommunication, had effectively removed the cornerstones of the

¹¹⁰ Moses Mendelssohn, 'Menasseh ben Israel Rettung der Juden nebst einer Vorrede', *JubA*, VIII, pp. 1–72 (p. 18).

¹¹¹ August Friedrich Cranz, *Das Forschen nach Licht und Recht in einem Schreiben an Herrn Moses Mendelssohn, auf Veranlassung seiner merkwürdigen Vorrede zu Manassah ben Israel* (Berlin, 1782), *JubA*, VIII, pp. 73–92 (p. 77).

Mosaic system: ‘Indessen ist es wahr, daß Moses Zwang und positive Strafen — an Nichtbeobachtung gottesdienstlicher Pflichten bindet’.¹¹² Hence, there is no reason why Mendelssohn should maintain his commitment to Rabbinic Judaism instead of converting to Christianity.

Mendelssohn responded to Cranz in *Jerusalem* (1783), by redefining the relationship between Judaism and law. As Allan Arkush points out, Mendelssohn was well aware that Cranz’s challenge could not be answered by merely claiming ‘that the Jewish theocracy was no longer relevant since it had for so long been defunct’.¹¹³ Mendelssohn’s main contention is that Cranz had failed to understand the purpose of punishment in Jewish tradition. In the ancient Jewish theocracy, religion and politics were not merely connected but identical:

Jeder Frevel wider das Ansehen Gottes, als des Gesetzgebers der Nation, war ein Verbrechen wider die Majestät, und also ein Staatsverbrechen. Wer Gott lästerte, war ein Majestätsschänder; wer den Sabbath freventlich entheiligte, hob, in so weit es an ihm lag, ein Grundgesetz der bürgerlichen Gesellschaft auf, denn auf der Einsetzung dieses Tages beruhete ein wesentlicher Theil der Verfassung.¹¹⁴

Mendelssohn is saying that religious offences in biblical Judaism were in fact political crimes. Thus, he concedes that biblical Judaism was a political entity. After the collapse of the Jewish state, however, religion was separated from politics, and any transgressions were no longer punishable. According to Mendelssohn, Rabbinic Judaism had relinquished the coercive features of the Mosaic constitution. But why then must Jews continue to obey the law? Mendelssohn claims that even after the collapse of the Jewish state, religious law remains the defining feature of Judaism:

Um es mit einem Wort zu sagen: ich glaube, das Judentum wisse von keiner geoffenbarten Religion, in dem Verstande, in welchem dieses von den Christen genommen wird. Die Israeliten haben göttliche *Gesetzgebung*. Gesetze, Gebote, Befehle, Lebensregeln, Unterricht vom Willen Gottes, wie sie sich zu verhalten haben, um zur zeitlichen und ewigen Glückseligkeit zu gelangen; dergleichen Sätze sind ihnen durch Mosen auf eine wunderbare und übernatürliche Weise

¹¹² Ibid., p. 78.

¹¹³ Allan Arkush, ‘The Liberalism of Moses Mendelssohn’, in *The Cambridge Companion to Modern Jewish Philosophy*, ed. by Michael L. Morgan and Peter Eli Gordon (Cambridge: Cambridge University Press, 2007), pp. 35–52 (p. 39).

¹¹⁴ Mendelssohn, *Jerusalem*, p. 194.

geoffenbaret worden; aber keine Lehrmeinungen, keine Heilswahrheiten, keine allgemeine Vernunftsätze.¹¹⁵

What is unique about Judaism is the relationship it maintains between eternal and historical truths. According to Mendelssohn, the ceremonial law connects action with contemplation: ‘Alle Gesetze beziehen, oder gründen sich auf ewige Vernunftwahrheiten, oder erinnern und erwecken zum Nachdenken über dieselben’.¹¹⁶

Against Spinoza (and Kant) Mendelssohn argues that the mission of Judaism is to maintain pure concepts of morality. Judaism did not become defunct after the collapse of the Jewish state. According to Mendelssohn the historical revelation at Sinai bound the Jews in an everlasting covenant with God. He states that the Jews are required to follow the laws revealed to them by Moses until the day that God revokes them in a similarly miraculous act.¹¹⁷

What was Kant’s response to Mendelssohn’s conception of Judaism? His earliest reaction can be found in a letter he sent to Mendelssohn:

Ich halte dieses Buch vor die Verkündigung einer großen, obzwar langsam bevorstehenden und fortrückenden Reform, die nicht allein Ihre Nation, sondern auch andere treffen wird. Sie haben Ihre Religion mit einem solchen Grade von Gewissensfreyheit zu vereinigen gewußt, die man ihr gar nicht zu getrauet hätte und dergleichen sich keine andere rühmen kan.¹¹⁸

The first thing to observe is that Kant regards Mendelssohn as a reformer of Judaism, or at least a forerunner of Jewish reform. Not for a moment does he believe that Mendelssohn was presenting an authentic, traditional interpretation of Judaism. Mendelssohn himself admits that Cranz’s understanding of Judaism is shared by many of his co-religionists: ‘Ich muß gestehen, daß die Begriffe, die hier vom Judenthume gegeben werden, bis auf einige Unbehutsamkeit im Ausdrucke, selbst von vielen meiner Religionsbrüder angenommen werden’.¹¹⁹

Kant’s view is supported by modern interpreters, who point out that even in the diaspora, Judaism ‘contained an element of coercion, of legal sanction, banning the rebel

¹¹⁵ Ibid., p. 157.

¹¹⁶ Ibid., p. 166.

¹¹⁷ Ibid. p. 199.

¹¹⁸ Kant to Mendelssohn, 16 August 1783, AA, X, pp. 344–47 (p. 347).

¹¹⁹ Mendelssohn, *Jerusalem*, p. 153.

and subjecting the members of the congregation to rabbinical authority'.¹²⁰ Mendelssohn unintentionally lends support to Kant's interpretation of ancient Judaism as being incompatible with freedom of thought and ethical autonomy. After all, even if it were true that post-exilic Judaism had abandoned coercive practices, earlier forms of Judaism had condoned such measures.

For Kant, the great strength of Mendelssohn's work lies in the blow he deals to rabbinic ecclesiastical authority. Mendelssohn's political theory aims to promote freedom of conscience as a necessary aspect of social life. According to Mendelssohn's version of Judaism, no one is punished for failing to observe religious law. Of course, Mendelssohn was not troubled in developing this argument because he did not believe — at least, this is what he claimed — that religious dissidents could threaten the integrity of traditional Judaism. Kant took a different view. In his opinion, Mendelssohn had defended the right of Jews to reinterpret their religion without fear of civil or social repercussions. Irrespective of his intentions, Mendelssohn had helped bring about a reform of Judaism, simply by making reform thinkable. Modern scholars have reached similar conclusions:

It may not be too bold to assert that it was precisely Mendelssohn's opposition to the *herem* [excommunication], and the reasoning and arguments for his opposition (that challenged the previously constituted religious and political authority and *not* the law per se), which laid the philosophical, or ideological, basis for the religious as well as the political reform of the Jewish community.¹²¹

Nonetheless, Kant maintains an ambivalent attitude towards *Jerusalem*. Throughout *Religion*, Kant rejects the possibility that miracles — such as the revelation at Sinai — can be used to authenticate central religious doctrines. He advances an argument which can be seen as a subtle swipe at Mendelssohn, who regarded the divine commandments as a means of fighting idolatry: 'Aus bloßer Offenbarung, ohne jenen Begriff vorher in seiner Reinigkeit, als Proberstein, zum Grunde zu legen, kann es also keine Religion geben und alle Gottesverehrung würde Idololatrie sein'.¹²²

¹²⁰ Yirmiyahu Yovel, *Dark Riddle: Hegel, Nietzsche and the Jews* (University Park: Pennsylvania State University Press, 1998), p. 198.

¹²¹ Kenneth Hart Green, 'Moses Mendelssohn's Opposition to the "Herem": The First Step toward Denominationalism?' *Modern Judaism*, 12 (1990), 39–60 (pp. 40–41).

¹²² Kant, *Religion*, p. 168.

In Kant's view, even if the revelation on Mount Sinai had taken place, this would be insufficient to bind future generations to the ceremonial law. According to Mendelssohn: 'Das Judenthum befiehlt Glauben an historische Wahrheiten, auf welche sich die Autorität unsers positiven Ritualgesetzes gründet'.¹²³ We have already seen that Kant rejects this type of intergenerational contract: 'Ich sage: das ist ganz unmöglich. Ein solcher Kontrakt, der auf immer alle weitere Aufklärung vom Menschengeschlechte abzuhalten geschlossen würde, ist schlechterdings null und nichtig'.¹²⁴

Kant recognised that Mendelssohn's Jews no longer obey Jewish law due to a fear of *earthly* punishment. They obey it nonetheless, because they believe that this is what their God commands them to do. For Kant, this is the most insidious form of heteronomy. He recognised that Mendelssohn's *Jerusalem* reinforces the traditional view that obligation to Torah law constitutes Jewish identity. This is a view expressed very clearly in *Der Streit der Fakultäten* (1798). After quoting the relevant passage of *Jerusalem*, where Mendelssohn affirms the eternal covenant between God and the Jews, Kant states:

Daß er aber seinen eignen Glaubensgenossen durch diese harte Forderung die Hoffnung zur mindesten Erleichterung der sie druckenden Lasten abschnitt, ob er zwar wahrscheinlich die wenigsten derselben für wesentlich seinem Glauben angehörig hielt, ob das seinem guten Willen Ehre mache, mögen diese selbst entscheiden.¹²⁵

From Kant's perspective, Mendelssohn's version of Judaism makes only superficial attempts to defend autonomy. In point of fact, it replaces one source of heteronomy for another. Salomon Maimon also seems to have recognised the full force of Mendelssohn's position. Commenting on Mendelssohn's conception of traditional Judaism as the observance of law, Maimon asks:

Wie aber, wenn ein Jude nicht mehr ein Mitglied dieses theokratischen Staats seyn will, und zur heidnischen oder zur philosophischen Religion übergeht, die nichts mehr als die reine natürliche Religion ist? Wie, wenn er sich bloß als Mitglied eines *bürgerlichen* Staats seinen Gesetzen unterwirft und von demselben widerum seine

¹²³ Mendelssohn, *An die Freunde Lessings*, p. 196.

¹²⁴ Kant, *Was ist Aufklärung?*, p. 39.

¹²⁵ Kant, *Streit der Fakultäten*, p. 52.

Rechte fodert, ohne sich über seine Religion im mindesten zu erklären, da der Staat vernünftig genug ist, von ihm keine Erklärung (die ihn nichts angeht) abzufodern? Ich glaube nicht, daß Mendelsohn [sic] noch in diesem Falle behaupten würde, daß dieser Jude dennoch in seinem Gewissen verpflichtet sey, die Gesetze seiner väterlichen Religion bloß deswegen zu befolgen, weil sie die Gesetze seiner väterlichen Religion sind.¹²⁶

Like Kant, Maimon recognised that Mendelssohn had rejected the notion of a secular or heterodox Jewish identity. True, Jews as people are permitted to transgress Jewish law. However, they are not able to do so *as Jews*. Evidently, Maimon felt the need to justify his own departure from the Jewish community. He seems to have accepted that it was impossible to identify as a Jew without honouring the time-bound traditions of Judaism. Mendelssohn was also aware of this implication. In a letter to Herz Homberg, he explains: ‘Meine Begriffe vom Judenthume können im Grunde weder Orthodoxe, noch Heterodoxe befriedigen’.¹²⁷

Kant and the French Revolution

Kant’s discussion of Jewish religious reform can be found in his last major work on religion, *Der Streit der Fakultäten* (1798). I have so far avoided mentioning his concrete proposals, because the position he presents is not entirely consistent with his earlier writings. We must recall Kant’s contention, in *Religion* and other texts, that members of a political community owe strict obedience to the law, but do not need to be morally autonomous. In *Der Streit der Fakultäten*, however, Kant deliberately wades into the debate about the Jews’ civil status, arguing that religious reform might be the only way to prepare Jews for citizenship.

We shall return to this subject shortly. First, let us look at Kant’s proposals, which he includes in his section on religious pluralism. According to Kant, the existence of numerous religious sects within a single state is desirable to the extent that it shows that the

¹²⁶ Maimon, *Lebensgeschichte*, II, p. 181-82.

¹²⁷ Moses Mendelssohn to Herz Homberg, 1 March 1784, *JubA*, XIII, p. 178. On the use of the label ‘orthodoxy’ amongst Jews in the late eighteenth century, see Jeffrey C. Blutinger, “‘So-called Orthodoxy’: The History of an Unwanted Label”, *Modern Judaism*, 27 (2007), 310–28 (pp. 310–320).

inhabitants of that state are granted freedom of conscience. Nevertheless, religious pluralism is not in itself an inherently good thing, since it usually results in conflicts about non-essential components of religion. In Kant's view, religious pluralism should only ever produce differences in external worship; moral religion should be at the core of every sect. In this context, Kant offers his proposals for Jewish reform:

Selbst in Ansehung der Juden ist diese ohne die Träumerei einer allgemeinen Judenbekehrung (zum Christenthum als einem messianischen Glauben) möglich, wenn unter ihnen, wie jetzt geschieht, geläuterte Religionsbegriffe erwachen und das Kleid des nunmehr zu nichts dienenden, vielmehr alle wahre Religionsgesinnung verdrängenden alten Cultus abwerfen. Da sie nun so lange das Kleid ohne Mann (Kirche ohne Religion) gehabt haben, gleichwohl aber der Mann ohne Kleid (Religion ohne Kirche) auch nicht gut verwahrt ist, sie also gewisse Förmlichkeiten einer Kirche, die dem Endzweck in ihrer jetzigen Lage am angemessensten wäre, bedürfen: so kann man dem Gedanken eines sehr guten Kopfs dieser Nation, Bendavid's, die Religion Jesu (vermuthlich mit ihrem Vehikel, dem Evangelium) öffentlich anzunehmen, nicht allein für sehr glücklich, sondern auch für den einzigen Vorschlag halten, dessen Ausführung dieses Volk, auch ohne sich mit andern in Glaubenssachen zu vermischen, bald als ein gelehrtes, wohlgesittetes und aller Rechte des bürgerlichen Zustandes fähiges Volk, dessen Glaube auch von der Regierung sanctionirt werden könnte, bemerklich machen würde; wobei freilich ihr die Schriftauslegung (der Thora und des Evangeliums) frei gelassen werden müßte, um die Art wie Jesus als Jude zu Juden, von der Art, wie er als moralischer Lehrer zu Menschen überhaupt redete, zu unterscheiden. — Die Euthanasie des Judenthums ist die reine moralische Religion mit Verlassung aller alten Satzungslehren, deren einige doch im Christenthum (als messianischen Glauben) noch zurück behalten bleiben müssen: welcher Sectenunterschied endlich doch auch verschwinden muß und so das, was man als den Beschluß des großen Drama des Religionswechsels auf Erden nennt, (die Wiederbringung aller Dinge) wenigstens im Geiste herbeiführt, da nur ein Hirt und eine Heerde statt findet.¹²⁸

In many respects, Kant's proposals are consistent with his philosophy of religion developed in *Religion*. Following Bendavid — whose text we shall look at shortly — Kant demands the abandonment of Jewish law. Thus, as expected, his proposal is unacceptable for traditionally observant Jews. Nonetheless, Kant does not recommend entirely reducing Judaism to pure moral religion. He explicitly states that moral religion without a historical church is unacceptable; the Jews must be allowed to engage with their own theological and historical traditions. Indeed, Kant requires the independent existence of historical Judaism for as long as Christianity exists as an independent historical faith, since the Christian Bible

¹²⁸ Kant, *Streit der Fakultäten*, pp. 52–53.

adopts significant portions of the Hebrew Bible. I therefore disagree with the claim by Paul Lawrence Rose:

The most sinister implication of Kant's critique of Judaism was that it acknowledged no validity or even right to an independent existence of Judaism, which was seen not only as immoral but obsolete in the modern world.¹²⁹

Kant's argument that Jews should adopt the religion of Jesus is not quite as controversial as it first appears. What Kant means is that Judaism must engage with the moral vision of the Gospels. In other words, it needs to integrate an ethics of autonomy into its own traditions; note Kant's observation that purified religious concepts had already begun to awaken among the Jews. However, the Jews do not need to believe that Jesus was the Messiah or the son of God. As I mentioned above, this is something which, according to Kant, not even Christians should believe in. Thus, the Jews can freely interpret Jesus' life in a way that would be suitable for the Jewish tradition. Kant may well have approved of Maimon's suggestion that Jesus could be regarded as a Jewish reformer of historical Judaism. It is worth mentioning here that several eighteenth-century Jewish thinkers, including Mendelssohn, affirmed the moral goodness of Jesus, whilst for obvious reasons denying his divinity.¹³⁰

Kant's comments about the euthanasia of Judaism are likely to send a shudder through the modern reader. However, as Peter Grove points out: "Euthanasie" bedeutet noch zur Zeit Kants einen leichten, schönen Tod ohne äußere Einwirkung'.¹³¹ Kant is imagining a time in the far distance when all historical faiths have merged into pure moral religion. He explicitly states that all differences between sects must eventually disappear. For a traditional Catholic or a traditional Protestant, Kant's proposals are not much less objectionable than for a traditional Jew.

This brings me back to a point which I have been stressing throughout this chapter. Although Kant frames his philosophy of religion in Christian categories, his moral religion

¹²⁹ Rose, *Revolutionary Antisemitism*, p. 96.

¹³⁰ Matthew Hoffman, *From Rebel to Rabbi: Reclaiming Jesus and the Making of Modern Jewish Culture* (Stanford: Stanford University Press, 2007), pp. 20–23.

¹³¹ Peter Grove, 'Immanuel Kant: Judentum und Vernunftreligion', in *Christentum und Judentum. Akten des Kongresses der Internationalen Schleiermacher-Gesellschaft in Halle (Saale) März 2009*. Schleiermacher-Archiv 24, ed. by Roderich Barth (Berlin, [n.pub.], 2012), pp. 177–89 (p. 186).

only *resembles* historical Christianity. Ultimately, Kant was trying to close the gap between ideal and reality. The ideal was a universal ethical community in which all people treat each other as ends in themselves. The reality was a politically, socially and religiously fragmented Europe, in which Christianity continued to play a pivotal role, even in the so-called age of criticism.

This leaves us with an important, unanswered question: why did Kant enter the debate about the Jews' political status? Given his overriding concern for the ideal of an ethical community, his comments about Jewish civil rights look out of place. In effect, he collapses the distinction between ideal and reality. By making moral autonomy the prerequisite of the Jews' entry into European society as equal citizens, Kant sets the bar impossibly high. I want to be clear: Kant's comments cannot be reconciled with the general outlook of his critical philosophy; he repeatedly states that the vast majority of Christians have not yet begun to internalise enlightened principles of religion, i.e. moral autonomy.

One answer, I believe, lies in Kant's enthusiasm for the French Revolution. Before 1793, Kant never deviated from his view that in the political realm legality proceeds morality. As Franz Gabriel Nauen argues:

While human history as a whole was "meaningful" only if it concluded with a dominance of morality over politics in human life, the crucial moment when real political man ceased to be governed primarily by his instincts and evolved into a truly moral being had as yet not occurred.¹³²

Kant saw the French Revolution as a sign that a moral disposition was awakening amongst human beings. What impressed Kant was not the revolution itself (which he opposed), but rather, as he makes clear in *Der Streit der Fakultäten*, the enthusiasm of its spectators.¹³³ Kant interprets this enthusiasm as support for republican principles of governance. Although Kant's later works continue to maintain a formal distinction between ethics and politics, he occasionally blurs this distinction. He no longer regards republicanism as merely a moral ideal, but rather as a possible political reality.

¹³² Franz Gabriel Nauen, *Revolution, Idealism and Human Freedom: Schelling, Hölderlin and Hegel, and the Crisis of Early German Idealism* (The Hague: Martinus Nijhoff, 1971), pp. 7–8.

¹³³ Kant, *Streit der Fakultäten*, p. 85.

It could therefore be argued that Kant supports Jewish religious reform as a prerequisite for citizenship, because he considers an ethics of obedience to be incompatible with his vision of republican society. In *Über den Gemeinspruch* (1793), Kant argues that a republican constitution demands that representational rights can only be given to autonomous individuals. He distinguishes between active citizens (*Bürger*) and passive subjects (*Schutzgenossen*).¹³⁴ In Kant's opinion, only male property owners are truly independent and can therefore be relied upon to make rational choices which represent the general will. Women and labourers, according to Kant, lack civil personality (*bürgerliche Persönlichkeit*). They are protected by the rule of law but cannot be co-legislators (*Mitgesetzgeber*).¹³⁵

Although Kant does not mention the Jews in this context, there can be doubt that traditionally observant Jews would fail to satisfy the strict criterion of independence laid out in Kant's writings on republican citizenship. Since Prussia evidently lacked a republican constitution, however, Kant's comments seem rather hasty and difficult to justify according to his philosophical principles.

Kant's decision to intervene in the debate about the Jews' political status may have been influenced by the attitude of some of his followers. His proposals refer to a text written by one of his most talented and devoted Jewish disciples, Lazarus Bendavid. In *Etwas zur Charakteristick der Juden* (1793), Bendavid offers a Kantian diagnosis of the ills plaguing his Jewish contemporaries. Bendavid is particularly critical of Joseph's policy of enlightened reform. As we saw in the previous chapter, Joseph II granted the Galician Jews equality of rights in 1789. In return, he expected them to fulfil the duties of citizenship, including military service. According to Bendavid, this policy will undoubtedly fail because the Jews have not internalised an ethics of autonomy:

Der Fürst, der eine verwahrloste und vernachlässigte Menschenmasse in seinen Staaten, wie die der Juden, mit Gewalt, ohne ihre Beyhülfe, in die Rechte der Menschheit hinein zwingt, findet die größte Schwierigkeit in dem Sprunge, den er zu machen sich genöthigt sieht.¹³⁶

¹³⁴ Kant, *Über den Gemeinspruch*, p. 294.

¹³⁵ Ibid.

¹³⁶ Lazarus Bendavid, *Etwas zur Charakteristick der Juden* (Leipzig, 1793), p. 41.

Bendavid collapses Kant's distinction between the ethical and the political. He argues that the Jews are so strongly attached to the ceremonial laws that external coercion would only further corrupt their inner moral character:

Die Hausväter, die schon die Hälfte des menschlichen Lebens in der Finsterniß verschlummert haben, können nur, dem Aeußern nach, sich in seinem Willen schicken. Ihr Inneres widersteht schon jedem Eindruck. Um sich dem landesherrlichen Willen gefällig zu bezeigen, werden sie alles dem Scheine nach thun, aber im Stillen ihre Thaten als Sünden bereuen; oder was noch ärger ist, die Stimme des Gewissens unterdrücken, werden äußerlich heitere Freude glänzen, innerlich mürrisch und trübe seyn, und werden, da Ceremonialgesetz und Moralität bey dem unaufgeklärten Juden innigst mit einander verwebt sind, und die Ablegung seines Aeussern eine Sünde gegen das erste ist, auch die zweyte damit ablegen.¹³⁷

Bendavid's pamphlet can be read as a Kantian critique of Dohm's improvement thesis. He argues that those Jews who remain loyal to the mass (*Wust*) of traditions will remain forever unimprovable: 'Ihr Aussterben ist die einzige Hoffnung für die Nachkommenschaft'.¹³⁸ If Jews want to be recognised as citizens of the Prussian state, they need to abolish the ceremonial laws:

Schaffet alles sinnlose Ceremonialgesetz ab, sagt euren Kindern, was ihr alle sehr wohl wißt, daß es nur als Zaun um den eigentlichen Garten eingesetzt worden sey; daß das, was für den Sklavensinn voriger Jahrhunderte ein gar bequemes Mittel zur Schonung des Innern gewesen, jetzt nicht mehr passe, noch sich ausüben lasse; daß ihr den Zaun aufgeben wollt, wenn das Innere unangetastet bleibt, und gestehet ihnen, daß die reine Lehre Mosis, die Lehre der natürlichen Religion, das Fußgestell eures Glaubens sei.¹³⁹

Bendavid wants to see his fellow Jews adopt the pure teachings of Moses. But what do these consist of? Bendavid refers to the Jewish religious leader Hillel of Babylon, who, when he was asked to summarise the Talmud, allegedly responded: 'That which is hateful to you, do not do to your fellow. That is the whole Torah; the rest is the explanation; go and learn'. Essentially, Bendavid reduces Judaism to the belief in God, immortality and the categorical imperative: 'Dann erst werden sie erfüllen den Befehl des Gesetzgebers, dann

¹³⁷ Ibid., pp. 41–42.

¹³⁸ Ibid., p. 46.

¹³⁹ Ibid., pp. 64–65.

gute Bürger und glückliche Menschen seyn'.¹⁴⁰ Note that these are the essential components of moral religion developed in Kant's three *Critiques*.

The same year saw the appearance of another book which invoked Kantian philosophy to address the issue of Jewish citizenship: Johann Gottlieb Fichte's *Beitrag zur Berichtigung der Urteile des Publikums über die Französische Revolution* (1793). In this work, Fichte defends the principles of the French Revolution. In his view, Kant's moral theory had brought Rousseau's ideas about popular sovereignty to conceptual maturity. It had taught him that human beings have an inalienable right to reject governments which impede their moral development:

Kein Mensch kann verbunden werden, ohne durch sich selbst: keinem Menschen kann ein Gesetz gegeben werden, ohne von ihm selbst. Lässt er durch einen fremden Willen sich ein Gesetz auflegen, so thut er auf seine Menschheit Verzicht und macht sich zum Thiere; und das darf er nicht.¹⁴¹

Like Bendavid, Fichte radicalises Kant's moral theory, collapsing the distinction between ethics and politics. As Anthony La Vopa observes: 'The "is" had to be confronted with the "ought," and only Kant's a priori ethical knowledge, completely independent of sense experience, could supply the requisite normative standard'.¹⁴² Fichte casts the Jews as the enemies of Kantian modernity. The problem, according to Fichte, is not that the Jews deny Jesus. Rather, it is that they deny the moral law which sets the terms and limits of modernity. They exist as a misanthropic state-within-a-state.¹⁴³ Sven-Erik Rose explains:

The mere existence of a Jewish state based on a Bürgervertrag among Jews would present no philosophical problem to Fichte. His Jewish state is, however, not merely another example of a civil contract between freely reasoning human beings who happen to be Jewish, but rather a collectivity bound by a "Jewish" reasoning that seems incommensurable with autonomous "human" moral reason.¹⁴⁴

¹⁴⁰ Ibid., p. 66.

¹⁴¹ Johann Gottlieb Fichte, *Beitrag zur Berichtigung der Urteile des Publikums über die Französische Revolution. Erster Teil: Zur Beurteilung ihrer Rechtmäßigkeit* ([n.p.], 1793), p. 64.

¹⁴² Anthony La Vopa, 'The Revelatory Moment: Fichte and the French Revolution', *Central European History*, 22 (1989), 130–59 (p. 140).

¹⁴³ On the background to Fichte's use of this phrase, see Jacob Katz, 'A State within a State: The History of an Anti-Semitic Slogan', in Jacob Katz, *Emancipation and Assimilation: Studies in Modern Jewish History* (Farnborough: Gregg, 1972), pp. 47–76.

¹⁴⁴ Sven-Erik Rose, 'Lazarus Bendavid's and J. G. Fichte's Kantian Fantasies of Jewish Decapitation in 1793', *Jewish Social Studies*, 13 (2007), 73–102 (p. 91).

Fichte warns his readers that if the Jews were to be granted citizenship in European states, the remaining citizens would be trampled underfoot. He concludes:

Ihnen Bürgerrechte zu geben, dazu sehe ich wenigstens kein Mittel, als das, in einer Nacht ihnen allen die Köpfe abzuschneiden, und andere aufzusetzen, in denen auch nicht eine jüdische Idee sey.¹⁴⁵

Fichte's reference to the guillotine should, of course, be read metaphorically. He contends that the Jews must not be persecuted since they are entitled to their human rights. Nonetheless, the implication is clear: the idea of a morally autonomous Jew is a contradiction in terms, no less so than the notion of Louis XVI being a fervent supporter of republicanism.

Saul Ascher

For the remainder of this chapter I examine the work of Saul Ascher.¹⁴⁶ Saul Ascher deserves mention in this context for two reasons. First, Ascher produced the earliest comprehensive Kantian proposal for a reform of Judaism, which is contained in his treatise *Leviathan oder über Religion in Rücksicht des Judenthums* (1792).¹⁴⁷ Second, Ascher's *Eisenmenger der Zweite* (1794) offered a bold critique of Fichte's *Beitrag* and Kant's *Religion*. In both texts, Ascher attempted to define Kant's critical philosophy as a tool which could help, rather than hinder, the Jews' entry into mainstream European society.

¹⁴⁵ Fichte, *Beitrag*, p. 114.

¹⁴⁶ Saul Ascher has only recently begun to attract serious scholarly attention. The most comprehensive study of his political thought is Bernd Fischer, *Ein anderer Blick: Saul Aschers politische Schriften* (Vienna: Böhlau, 2016). See also William Hiscott, *Saul Ascher. Berliner Aufklärer: Eine philosophiehistorische Darstellung*, ed. by Christoph Schulte and Marie Behrendt (Hannover: Wehrhahn, 2017). Ascher's religious thought is discussed in Jonathan Hess, *Germans, Jews and the Claims of Modernity* (New Haven: Yale University Press, 2002), pp. 139–67. Ascher's relationship to the Haskalah is investigated in Christoph Schulte, *Die jüdische Aufklärung*, pp. 184–98. For a brief study of Ascher as the earliest thinker to conceptualise Jewish orthodoxy, see Christoph Schulte, 'Saul Ascher's Leviathan, or The Invention of Jewish Orthodoxy in 1792', *Leo Baeck Institute Yearbook*, 45 (2002), 25–34. For some older literature, see Ellen Littmann, 'Saul Ascher: First Theorist of Progressive Judaism', *Leo Baeck Institute Yearbook*, 5 (1960), 107–21; Walter Grab, 'Saul Ascher: Ein jüdisch-deutscher Spätaufklärer zwischen Revolution und Restauration', *Jahrbuch des Instituts für deutsche Geschichte*, 6 (1977), 131–79.

¹⁴⁷ For a recent study of this text, see Hiscott, *Saul Ascher*, pp. 326–88. See also Fischer, *Ein anderer Blick*, pp. 29–52.

If we want to understand Ascher's critique of Kant and Fichte, we need to say a few more words about the peculiar ambivalence in Kant's attitude towards the utopian. As Theodor W. Adorno argues:

Auf der einen Seite ist Kant durchaus Aufklärer genug, um immer wieder zu fordern, daß die Bestimmungen der Vernunft erfüllt würden; und es gibt schließlich, obwohl diese Vernunft bei ihm als ein wesentlich formales Prinzip immer gekennzeichnet ist, doch zwangsläufig (möchte ich sagen) auch ganz konkrete und faßliche Bestimmungen dessen, was diese Vernunft nun eigentlich zu verwirklichen hätte. [...] Zugleich aber hat der Charakter der Idee als einer Aufgabe, die ins Unendliche verlegt wird. [...] Und die außerordentliche Schwierigkeit die gerade die praktischen Schriften Kants bieten, liegt nun eigentlich darin, daß in ihnen immerzu diese beiden Motive miteinander im Streit liege, – nämlich auf der einen Seite das utopisch-aufklärerische Motiv, das nun auf die Verwirklichung der Vernunft trotz allem hindrängt; und auf der anderen Seite jenes mit dem kritischen – also einem auch aufklärerischen – Motiv.¹⁴⁸

Kant was aware, I believe, of the conflict lying at the heart of his practical philosophy. He is well known for his caution in answering questions concerning the appropriate means to bring about the ends demanded by his moral theory. In his proposals for Jewish religious reform, however, Kant stepped beyond the boundaries of critical reason. Possibly swayed by his own enthusiasm for the French Revolution, he was plainly enticed by Bendavid's proposal that the Jews should wholeheartedly — and immediately — embrace the ideals of moral autonomy.

Ascher's *Eisenmenger der Zweite* (1794) was published three years before *Der Streit der Fakultäten*. It is evident that Ascher was well aware of the threat posed to the Jews by Kant's critical philosophy. For Ascher, like Kant, the morality of means is a crucial factor in assessing the morality of ends. His biggest concern was that Kant's critical philosophy could be used to justify reckless political decisions which aimed at the creation of utopia.

In *Eisenmenger*, Ascher attempts to set the limits of the legitimate employment of Kant's critical philosophy as a guide for political action. In his view, Fichte should be counted amongst the thinkers who mostly write for a world which only exists in their imagination.¹⁴⁹ According to Ascher, Kant tried cautiously to close the gap between ideal

¹⁴⁸ Theodor W. Adorno, *Kants "Kritik der reinen Vernunft" (1959)*, ed. by Ralf Tiedemann, in Adorno, *Nachgelassene Schriften*, ed. by Theodor W. Adorno Archiv, Abteilung IV/Band 4 (Frankfurt a. M.: Suhrkamp, 1995), pp. 113–14.

¹⁴⁹ Saul Ascher, *Eisenmenger der Zweite: Nebst einem vorangesetzten Sendschreiben an den Herrn Professor Fichte in Jena* (Berlin, 1794), p. v.

and reality, whilst recognising that this gap was not entirely bridgeable. In contrast, Fichte confuses real and ideal, believing that one can be superimposed upon the other. Addressing Fichte, he writes:

Sie werden immer ein origineller, spekulativer Kopf bleiben, aber auch nicht der erste Ihrer Art sein, der unbeschadet dieser seiner Fähigkeit, sich in seinem Enthusiasmus verleiten läßt, über die Verhältnisse in der wirklichen Welt so imposant zu urtheilen.¹⁵⁰

Ascher charges Fichte with having misunderstood and misappropriated Rousseau's writings on the general will. According to Ascher, Rousseau offered a pervasive critique of contemporary society: 'Er tadelte ihre Denkart, ihre Verfassung, ihre Handlungsweise'.¹⁵¹ Fichte, in contrast, stresses only isolated defects (*einzelne Mängel*), holding these responsible for the general corruption in society. He preaches poison and dagger (*Gift und Dolch*) for the Jews, whilst closing his eyes to the fact that all areas of society require fundamental reform.¹⁵²

For his part, Ascher has no doubt that the Jews would also find a place in Fichte's imagined republican world order. He states: 'So wird der Jude daran Antheil nehmen können und müssen'.¹⁵³ In *Beitrag*, Fichte had argued that the Jews faced insurmountable difficulties in their attempts to become morally autonomous. He had maintained that any Jew who succeeded in this task should be described as a hero. In his typically idiosyncratic style, Ascher responds by reversing Fichte's statement:

Also ich, der Jude, erkläre: derjenige Christ, der die unübersteiglichen Verschanzungen, die vor ihm liegen, durchdringt, und zur allgemeinen Gerechtigkeit, Menschen- und Wahrheitsliebe sich erhebt, ist ein Held, ein Heiliger. Ich weiß nicht, ob es deren gab oder giebt. Ich will es glauben, so bald ich sie sehe. Nur verkaufe man mir nicht schönen Schein für Realität. Kein Mann von gesunder Urtheilskraft wird hierwider etwas einzuwenden haben. Wie schwer wird es dem Menschen, als Mensch zur allgemeinen Gerechtigkeits- Menschen- und Wahrheitsliebe hinauf zu steigen!¹⁵⁴

¹⁵⁰ Ibid., p. xiii.

¹⁵¹ Ibid., p. xiv.

¹⁵² Ibid., pp. xiv–xv.

¹⁵³ Ibid., p. xv.

¹⁵⁴ Ibid., p. 21.

Ascher is criticising Fichte for wrongly assuming that Christians have already attained moral autonomy. In Ascher's view, Kant's ideal of moral autonomy will always remain, for Christians and Jews alike, an ideal: something which is not entirely achievable, but which all people must strive toward. With a touch of irony, Ascher argues that Kant described his moral church as invisible, because he knew that it was an unattainable ideal: 'Sie ist unsichtbar, insofern sie als bloße Idee nicht realisirt werden kann'.¹⁵⁵

Ascher accuses Fichte of veiling his own personal prejudices in grand speculative ideas. He asks rhetorically: 'Sie sollten mir es verübeln, wenn ich Sie beschuldige, daß nicht Ihre Logik, sondern Ihr Herz dazu verleitet?'¹⁵⁶ Anticipating Carl Gustav Jung's theory of projection, Ascher argues that enlightened anti-Semites like Fichte try to veil their prejudices in order to avoid confronting themselves with repressed elements of their personality which conflict with their ideals: 'Wenn die Bosheit in ein vernunftmäßiges System dargestellt wird, dann kann man bequem mit seinem Herzen den Unschuldigen spielen'.¹⁵⁷

According to Ascher, Fichte deserves to be called 'Eisenmenger the Second'. Eisenmenger's *Entdecktes Judenthum* had ushered in a new era of anti-Jewish prejudice. Whereas formerly Jews had been persecuted only for their denial of Christ, Eisenmenger had portrayed the Jews as morally corrupt and misanthropic: 'Das Resultat war: wenn dieses Volk seines Glaubens wegen geduldet werden könnte, so sollte ihm seiner Grundsätze wegen, in den Zirkel der Menschheit nie ein Zutritt verstattet werden'.¹⁵⁸ In Chapter 3, I identified Dohm's pamphlet as a turning point in the eighteenth-century debate on the Jews. His refutation of the charge of Jewish misanthropy led to a more positive assessment of the Jewish character. According to Ascher, Fichte's pamphlet threatens to undermine this delicate situation. By portraying his Jewish contemporaries as the enemies of Kantian autonomy of will, Fichte depicts them as fundamentally unimprovable. Ascher accuses Fichte of having introduced a new epoch of Jew-hatred.¹⁵⁹

¹⁵⁵ Ibid., p. 53.

¹⁵⁶ Ibid., p. xvi

¹⁵⁷ Ibid., p. 20.

¹⁵⁸ Ibid., p. 4.

¹⁵⁹ Ibid., p. 32.

While Ascher barely tries to conceal his disdain for Fichte, his relationship to Kant is more complex. On several occasions, he states that Kant should not be held responsible for Fichte's comments. Addressing Fichte, he writes:

Genug werde ich schon bewirkt haben, wenn ich Ihren Lehrer eines Theils überzeugt, wie nachtheilig es selbst für seine gute Absicht ist, einem jeden, ohne vorher seinen Charakter einer strengen Prüfung unterworfen zu haben, die Pforte seines Lyceums zu öffnen, und ihn auf dem Gebiete seiner esoterischen Philosophie oder seiner Meinungen frei umher wandeln zu lassen.¹⁶⁰

This passage should be read with a pinch of salt, since evidently it is Ascher's intention to rescue not Kant, but rather Kant's critical philosophy. He argues that Kant should have more clearly explained the practical applications of his philosophical system. Kant was correct to develop his principle of morality into a comprehensive vision of society. However, he should have stressed that this vision could not be imposed upon society as it currently exists:

Wenn Kant nun, dieser große Denker, in der Auflösung gewisser Probleme der Philosophie mehr gewisse Umriss für die denkende Köpfe aufgestellt, — vermittelt welcher er eine gewisse Philosophie beabsichtigt, die dem Bedürfnisse der Spekulation mehr ein Vergnügen, als ein unüberwindliches Gebäude sein sollte: so wünschte ich, daß auch seine Absicht keinesweges wäre, seine Ideen in der wirklichen Welt, wie diese uns jetzt nach ihren Bestimmungsgründen erscheint, realisiert zu sehen.¹⁶¹

In the latter half of *Eisenmenger*, Ascher offers an astute analysis of *Religion*. Although he enthusiastically approves of the general framework of Kant's philosophy of religion, he criticises Kant for not providing the potential for a more affirmative view of Judaism. Ascher accepts Kant's contention that Mosaic Judaism is essentially heteronomous in character, thus admitting the validity of Kant's philosophical objection to traditional Judaism. In his opinion, Kant's mistake was his failure to recognise that the essence of Judaism (*das Wesen des Judenthums*) was not to be found in its constitutive phase — once Judaism had already been organised into an external form — but rather during the time of the patriarchs, when Judaism lacked a historical church.¹⁶²

¹⁶⁰ Ibid., p. xviii

¹⁶¹ Ibid., pp. 37–38.

¹⁶² Ibid., pp. 57–68.

Ascher draws upon arguments developed in his earlier Kantian work, *Leviathan oder über Religion in Rücksicht des Judentums* (1792). According to Ascher, pre-Mosaic Judaism developed with the sole purpose of making people happy. Following Kant's discussion of religion in *Kritik der praktischen Vernunft*, Ascher assumes that there are moral and practical grounds for religious belief: 'Das Judentum ist eine Religion, und daher ebenfalls ein Mittel, in uns diejenige Lücke auszufüllen, die wir nur mit Mühe durch Spekulation oder Dialektik ersetzen können'.¹⁶³

Citing the Book of Genesis, Ascher explains that primitive man was not equipped with the level of rationality to use his free will responsibly. He acknowledges the ethics of obedience found in the Old Testament. However, he contends that the earliest Hebrews required such an ethics to adapt to the demands of social and political life:

In der Geschichte des Patriarchen Abraham entwickelt sich schon der Zweck etwas mehr, den der Schöpfer mit den Juden hatte. In einer Gegend, wo die Menschen an eine herumziehende und unstäte Lebensart gewohnt waren, hob er einen Menschen heraus, dem er die Begriffe von einer Gesellschaft und von der Glückseligkeit einer festen und ruhigen Lebensart beizubringen suchte.¹⁶⁴

Ascher interprets Jewish history as a long-drawn-out preparation for the condition of moral autonomy. It was Kant, after all, who had contended that a degree of external freedom was required for reason — and thus autonomy of will — to develop. Ascher explains that before Moses the Jews lived in slavery and yearned for freedom. For pedagogical reasons, and to protect them from external interference, Moses eventually gave the Jews divine and civil laws. Thus, in a limited sense, he took away from them the freedom of thought and action.¹⁶⁵ In this period the Jewish religion adopted a constitutional form. In opposition to Mendelssohn, Ascher argues that the essence of Judaism lies not in the laws but in certain dogmas, such as the belief in a loving, omniscient, and omnipotent God.¹⁶⁶

In *Eisenmenger*, Ascher draws upon these arguments to redefine the relationship between Judaism and Christianity in Kantian terms. Let us recall Kant's decision to posit

¹⁶³ Saul Ascher, *Leviathan: oder Ueber Religion in Rücksicht des Judentums* (Berlin, 1792), p. 14.

¹⁶⁴ *Ibid.*, p. 96.

¹⁶⁵ *Ibid.*, p. 119.

¹⁶⁶ *Ibid.*, p. 123.

a radical discontinuity between ancient Judaism and Christianity. In Ascher's view, this is an idea which completely lacks historical evidence and probability:

Denke Dir, lieber Leser! Plötzlich erhob sich das Christenthum. Plötzlich entwickelte (? ich habe wirklich kein Wort dazu) sich ein Prinzip, worauf sich das Christenthum gründen soll. — Plötzlich stand Jesus da, verkündigte sich als vom Himmel gesendet — Welcher philosophische *Deus ex machina!* — welcher philosophische *Saltus mortalis!*¹⁶⁷

According to Ascher, if one closely observes the level of culture, religion and politics achieved by the Jews of Jesus' time, one would immediately recognise the falsity of Kant's claims: 'Er wird müssen den ganzen Geist des Christenthums in dem damaligen Judenthum auffinden'.¹⁶⁸ Ascher argues that the main difference between Moses and Jesus is that Moses lived at a time when people were not ready for moral autonomy:

Wenn nun behauptet wird, daß aus jener auf Geboten und äußere Beobachtung gegründete politische Verfassung des Judenthums, keine allgemeine Kirche entstehen kann: so fällt der Tadel nicht auf das Judenthum zurück. Nur die Umstände waren es, die einen solchen klugen Mann wie Moses, oder die Vorsicht veranlaßten, einen solchen Wall um seine Konstitution zu ziehen.¹⁶⁹

By contesting the notion that Judaism is incompatible with moral universalism, whilst maintaining the ethical continuity between Judaism and Christianity, Ascher assigns Judaism an important role in the history of the universal moral church. He argues that Jesus was rejected by the Jews, not because of his moral principles, which had already existed in Judaism during its regulative phase, but for claiming that he was the son of God:

Ich will es gerne zugestehen: daß die Gottheit dem Stifter des Christenthums behülflich war, darauf zu dringen, daß durch die lautere Sittenlehre, welche ihn die Apostel äußern lassen, dem Judenthume eine andere Richtung gegeben werden sollte; aber ich werde es nie zugeben, daß diese Sittenlehre von ihm erfunden ward, um sie der Welt mitzuthemen.¹⁷⁰

¹⁶⁷ Ascher, *Eisenmenger*, p. 67.

¹⁶⁸ *Ibid.*, p. 69.

¹⁶⁹ *Ibid.*, pp. 62–63.

¹⁷⁰ *Ibid.* p. 69.

Like Maimon, Ascher seems to be suggesting that Jesus was actually a *Jewish* reformer of the Jewish religion.

In *Religion*, Kant had claimed that the elimination of circumcision was a symbol of Christianity's radical break from Judaism. Ascher disputes this, arguing that the apostles only stopped this practice because they were being persecuted.¹⁷¹ Indeed, in *Leviathan*, Ascher maintains that Jesus only tried to universalise his moral message to avoid persecution:

Christus stand nicht auf, die Wahrheit eines Gottes zu predigen; das brauchte er nicht, denn diese Wahrheit war überall unter den Juden gangbar. Für diese wäre er vielleicht auch nicht so weit gegangen, wenn er nicht verfolgt worden wäre. Die Verfolgung brachte ihn auf den großen Plan, alle Nationen zu belehren.¹⁷²

Ascher's problem with Kant's *Religion* is not that Kant tried to make Christianity conform to his philosophy, but rather that he was willing to bend his philosophy to suit Christianity. He interprets Kant's denigration of Judaism as resulting from his lack of integrity as a philosopher. We recall Kant's remark that it is only in the modern age that Christianity is *beginning* to fulfil its potential as a moral religion. According to Ascher, the same can be said of Judaism.¹⁷³ He accuses Kant of having failed to understand the universalist mission of the Enlightenment. According to Ascher, Kant had noticed that Enlightenment thinking had contributed to a purification of Christianity. He had therefore quite falsely concluded that Christianity must be the holiest of religions.¹⁷⁴ Ascher states:

Meine Maxime ist diese: da die Prinzipien der Moral durch die Aufklärung so weit gediehen, die bestehenden Religionen mit ihren in Kollision zu stehen scheinen; so ist es Pflicht aller Denker einer jeden Religion: entweder, das Publikum von allen Religionsideen abzuziehen, und es bloß auf die reine Moralreligion aufmerksam zu machen; oder wenn sie Bedürfnisse sind, (welches festzusetzen Sache des Staats ist) so müssen und sollen die Anhänger einer jeden Religion, die ihrige den feststehenden Prinzipien einer Moral näher zu bringen, sich vereinigen.¹⁷⁵

¹⁷¹ *Ibid.*, p. 71.

¹⁷² Ascher, *Leviathan*, p. 43.

¹⁷³ Ascher, *Eisenmenger*, pp. 72–73.

¹⁷⁴ *Ibid.*, p. 74–75.

¹⁷⁵ *Ibid.*, p. 74.

Ascher portrays himself as the inheritor of the spiritual humanism and universalism of pre-Mosaic Judaism. He is calling for an interfaith dialogue about moral religion and religious reform. The strength of Ascher's work lies in his ability to depict himself as a more consistent Kantian than Kant himself. He recognised the potential of Kant's critical philosophy for enlightened religious reform, yet he was also keenly aware of the dangers it posed when misappropriated.

We should not overlook the fact that there is substantial agreement between Ascher and Kant on many issues. Throughout this chapter, I have presented Kant as a philosopher of religious reform. Inspired by the spiritual revolution of the Protestant Reformation, Kant demanded that the followers of a historical faith should be allowed to protest against its non-essential elements which impede moral progress. He insisted that the organisational forms of religion were contingent, and therefore open to revision.

Ascher shares this opinion. In *Leviathan* he argues that there are two types of religious reformation: the negative and the positive. Negative reformations occur when religious conceptions are changed. Positive reformations result from changes to a religious constitution. Since, according to Ascher, the moral essence of religion is timeless and unchangeable, both types of reformation are legitimate: 'In beiden Graden der Reformation wird dem Wesen der Religion unmittelbar nicht weggenommen, sondern diejenige Theile werden nur verändert, die das ganze zusammen halten helfen'.¹⁷⁶

According to Ascher, Luther's great achievement was to introduce a positive reformation. By challenging the pope's authority as prime guardian of scriptural interpretation, Luther enabled Christians to develop purer conceptions of religion: 'Es entwickelte sich nach und nach eine Geist der Aufklärung, man beleuchtete nach und nach die ganze Form der Religion'.¹⁷⁷

Ascher's difficulty with traditional Judaism lies with its external constitution. The rabbis condemn Jewish religious reformers as heretics, since their plans for religious reform conflict with Judaism's external constitution, which denies autonomy of the will. Thus, only he who slavishly obeys Jewish law is permitted to describe himself as Jewish:

¹⁷⁶ Ascher, *Leviathan*, p. 213.

¹⁷⁷ *Ibid.*, p. 217.

Als Mensch kennt er wenige Pflichten; bloß als Anhänger des Judenthums, das unmittelbar oder bloß symbolisch ihn alle Pflichten lehren soll, hat er sie inne. Er thut auf alle Autonomie Verzicht; er lebt bloß im Judenthume, nicht als Mensch im genuß derjenigen Kräfte, die ihm der Schöpfer verliehen, sondern im genuß desjenigen, was ihn das Judenthum lehrt [...]. Die mehrsten Anhänger des Judenthums verfallen daher in den tiefsten Aberglauben, sie können weiter nichts als das Gesetz maschinenmäßig beobachten.¹⁷⁸

According to Ascher, it is always preferable for a positive reformation to precede the negative, since negative reformations are usually denounced as illegitimate unless the religious constitution enshrines freedom of thought: 'Ist die neue Constitution der Autonomie zuträglich: so kann ein jeder darüber seine Meinung frei sagen'.¹⁷⁹ Ascher agrees with Kant that Mendelssohn's *Jerusalem* only superficially defends autonomy. Despite curbing the secular powers of the rabbis, Mendelssohn denied the theological legitimacy of negative reformations of Judaism.

Ascher portrays Prussia's Jewish community as a community in crisis. Orthodox Jews continue to cling to their religious monopoly. Heterodox Jews, like Maimon, who refuse to obey religious law, have no choice except to turn their backs on Judaism. Like Kant, Ascher sees himself as a thinker who has chosen the middle path between religious enthusiasm and radical scepticism. He argues that Judaism requires fundamental religious reform. It must recover its timeless moral essence, which lies in the promotion of human happiness:

Dieses ist es aber eben, was bisher fehlte. Die Übertretung des Gesetzes ward aber als ein gänzlicher Abfall vom Judenthume betrachtet, und da diejenigen, die es wagten es öffentlich zu überschreiten, von ihren Glaubensgenossen verachtet waren: so bekümmerten sie sich auch nicht um die übrigen wichtigen Punkte des Judenthums. Das geschieht noch täglich mit größerem Erfolg und so droht uns ein gänzlicher Verfall unsers Glaubens, eines Glaubens, dessen Form so beseelend, so herzerhebend ist, und die Menschen so glücklich machen kann. Diesem Verfall ist nun nicht anders möglich auszuweichen, als wenn wir die jetzige Constitution des Judenthums aufheben, dem Menschen unbeschränkten Gebrauch seiner Kräfte lassen, damit er sich in der Gesellschaft, ohne der Constitution unserer Religion zuwider zu handeln, einen Beruf wählen kann. Indem wir aber die alte Constitution umstoßen, müssen wir eine neue wieder herstellen, die uns beim Glauben unserer Väter erhalte, uns das eigentliche Wesen des Judenthums lehre,

¹⁷⁸ Ibid., pp. 220–21.

¹⁷⁹ Ibid., p. 216.

uns seinen Zweck lebhaft darstelle, und uns auf den Weg leite, wo wir zugleich gute Menschen und gute Bürger seyn können.¹⁸⁰

Although Ascher is mainly concerned with religious and philosophical questions, he also sees religious reform as a potential solution to the matter of the Jews' political status. If the Jews were not obliged to obey religious laws, then there could be no question about their ability to perform civic duties.

Ascher's concrete proposals for reform are understandably vague. Unlike Bendavid, Ascher is not willing to reduce Judaism to pure moral religion. For Judaism to survive as an independent historical faith, it needs to engage with its historical and theological traditions. Ascher proposes fourteen principle of reformed Judaism. Several of these are clearly designed to satisfy the demands of practical reason. The first principle simply states: 'Ich glaube an einen Gott'.¹⁸¹ The remainder attempt to establish a continuity between ancient Judaism and reformed Judaism. The fifth principle, for example, reads:

Wir glauben, daß die Beobachtung der Gesetze unsern Vorältern heilig waren, und sie dadurch auf dem Wege erhalten worden, wo wir jetzt im bloßen Glauben an Gott und seine Propheten wandeln.¹⁸²

The eleventh principle states: 'Wir verpflichten uns den Bund, den der Ewige mit unsern Vätern schloß, durch die Beschneidung zu erhalten.'¹⁸³

Like Kant, Ascher recognised that moral religion requires historical faith. He knew that tradition needed to be reconciled with innovation; universalism with particularism. By depicting Jewish law as an essential and holy element of previous forms of Judaism, Ascher attempted to create a bridge between tradition and modernity. Ascher deserves to be regarded as a forerunner of nineteenth-century Reform Judaism.¹⁸⁴ Indeed, Ascher realised that the actual task of reforming Judaism would be undertaken by future generations: 'Wie diese Reformation zu veranstalten sei? Wie weit zu gehen wir Recht haben? Das sind Fragen, die der Theologe beantworten muß'.¹⁸⁵

¹⁸⁰ Ibid., pp. 227–28.

¹⁸¹ Ibid., p. 237.

¹⁸² Ibid.

¹⁸³ Ibid., p. 238

¹⁸⁴ Ascher is briefly mentioned in this context in Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit: Wayne State University Press, 1988), pp. 21–23.

¹⁸⁵ Ascher, *Leviathan*, p. 229.

Conclusion

Kant is often accused of anti-Judaism due to his criticisms of Jewish legalism. However, this charge rests on the very assumption which Kant's philosophy of religion attempts to undermine: the essentialist notion of Judaism (but equally Christianity, Islam, and Hinduism) as a fixed and timeless religious system. Although Kant accepted as necessary some ecclesiastical practices, he was a strong advocate of religious reform. Inspired by the Protestant Reformation, Kant wanted to see historical faith make the transition to universal religion, the core of which is pure morality. He believed that this shift had already begun to occur amongst his Christian contemporaries.

By the time Kant entered his critical period, many Prussian Jews had begun to distance themselves from orthodox Judaism. Although we can hardly speak of a widespread revolt against rabbinic authority, Salomon Maimon's *Lebensgeschichte* voiced the frustrations of many enlightened Jews regarding their upbringing and social situation.

For Jews such as Hirschel, Ascher, and Bendavid, Kant's critical philosophy offered the tools needed to construct a modern Jewish identity. True, Kant denigrated Judaism by teaching the moral superiority of Christianity. However, his philosophical system seemed to hold more potential than that of Mendelssohn, which denied the very possibility of a heterodox Jewish identity.

In the previous chapter, I advanced the claim that the late eighteenth century saw two main objections against Jews and Judaism. The first of these objections — the political objection — focused on the content of Jewish law, which was seen by many as incompatible with citizenship in the modern state. In responding to this objection, *maskilim* helped politicise the Jewish Enlightenment. Above all else, they wanted to demonstrate that Jews and Judaism could find a place in the modern state and European society.

As we have seen in this chapter, the second objection to Jews and Judaism was of a very different variety. The philosophical objection was concerned with the underlying principle, rather than the content, of Jewish law. Kant's Jewish disciples acknowledged that traditional Judaism was incompatible with autonomous ethics, and therefore failed the ultimate test of modernity. Faced with such a reality, these radically minded *maskilim*

repudiated the early Haskalah's vision of cultural renewal, choosing instead a path of religious reform. Of course, from the perspective of traditional Judaism, this path was actually one of religious revolution. By the turn of the nineteenth century, not only the Jews as people, but also Judaism as a religion, had been confronted with the challenges of modernity.

Afterword

In the introduction to this study, I stated my intention to investigate the remarkable transformation in perceptions of Jews and Judaism during the eighteenth century. I explained that I was broadly concerned with two main questions. First, what were the causes of this transformation? Second, what were the consequences for German Jewry? I hope that the answer to the former question should now be clear: the eighteenth century witnessed striking intellectual and political developments. As Germans engaged with the intellectual influences of the era, trying to make sense of the world in which they lived, their perceptions of Jews and Judaism fundamentally changed. Medieval attitudes gave way to a modern secular outlook; and although the dialogue between Germans and Jews was at times tense, it was undoubtedly constructive.

I shall attempt to provide a tentative answer to the second question here. A good place to begin would be the 1812 Edict of Emancipation, which granted the Jews citizenship. The significance of this piece of legislation cannot be overestimated. Although Jews did not receive equality of rights, since they were barred from being employed in the service of the state, the edict lifted the formal barriers to Jewish participation in mainstream society. Jews could live anywhere they wanted, were able to work in previously restricted occupations, and were allowed to purchase land. In return, it was expected that Jewish men should serve in the army. Furthermore, the edict declared an end to rabbinical jurisdiction.

To what extent did the intellectual influences of the previous century contribute to this development? Undeniably, the immediate cause of emancipation was the political crisis which erupted in the aftermath of Napoleon's victory in 1806. Reform-minded ministers pushed for a programme of modernisation, which included a new policy towards Jews. Having long resisted the prospect of emancipating the Jews, Frederick William III eventually agreed to the proposals made by his ministers.¹

Nonetheless, eighteenth-century intellectual movements indirectly influenced this decision in several important ways. First, the Jews were ultimately offered citizenship

¹ Reinhard Rürup, 'The Tortuous and Thorny Path to Legal Equality: "Jew laws" and the Emancipatory Legislation in Germany from the Late Eighteenth Century', *Leo Baeck Institute Yearbook*, 31 (1986), 3–33 (p. 14).

because it was believed that such a move would reap economic benefits for the state. We can confidently assume that this decision was influenced by the growing consensus amongst economic thinkers that existing restrictions prevented Jews from becoming productive members of society. Take, for example, the opening paragraph of Freiherr von Schrötter's 1809 proposal for a new law on the Jews:

Die bestehende Verfassung der jüdischen Gemeinden in unsern Staaten führt mehrere Nachtheile mit sich. Ausgeschlossen von der Theilnahme an den wichtigsten bürgerlichen Rechten und beschränkt auf eine geringe Anzahl von Gewerben können die jüdischen Glaubens-Genossen nicht mit voller Geistes-Kraft und Thätigkeit zum Wohle des Ganzen beytragen.²

Second, the agenda for emancipation was pushed through by a small group of Prussian administrators who were strongly influenced by Enlightenment ideals. The central figure was the Prussian chancellor, Karl August von Hardenberg. A second important influence was Wilhelm von Humboldt. Hardenberg had already pleaded on behalf of the Jews in 1792, while he was working as a Prussian civil servant in the duchies of Bayreuth and Ansbach. His letter to the king reveals his commitment to Dohm's approach to emancipation:

Politik und Menschenliebe fordern laut eine Schicksalserleichterung jener unglücklichen Menschenklasse. Politischer Druck und Abwürdigung ihres burgerlichen Zustandes hat ihren sittlichen Charakter verschlimmert und ihrem ganzen Verhältnis die gegenwärtige nachteilige Richtung gegeben.³

Third, as I have already shown, the major objection to Jewish citizenship, regarding the suitability of Jews for military service, had already been addressed by representatives of the Jewish community. By the end of the eighteenth century, a growing number of Jews had shown themselves willing to integrate into majority society. This was recognised by members of the Prussian bureaucracy. In his comments on a draft bill prepared by Schrötter, Wilhelm von Humboldt pointed out: 'Es lässt sich kein möglicher Rechtsgrund

² 'Der Schroetter'sche Entwurf', printed in Ismar Freund, *Die Emanzipation der Juden in Preußen, unter besonderer Berücksichtigung des Gesetzes vom 11. März 1812*, 2 vols (Berlin: Popelauer, 1912), II, pp. 228–44 (p. 228).

³ Karl August von Hardenberg to King Frederick William II, 16 April 1792, printed in Friedrich Morgenstern, 'Hardenberg and the Emancipation of Franconian Jewry', *Jewish Social Studies*, 15 (1953), 253–74 (p. 268).

denken, warum der Jude, der alle Pflichten des Christen erfüllen will, nicht auch der Rechte theilhaftig sein soll'.⁴

Another important consequence of eighteenth-century intellectual movements concerns Immanuel Kant's influence on Jewish religious reform. Kant gave voice to the frustrations experienced by a generation of enlightened Jews who did not share the values of traditional Judaism. Significantly, Kant raised the question whether a third possibility between orthodoxy and apostasy was imaginable. Although Saul Ascher did not directly influence later movements, he anticipated the direction these movements would take. Early Reform Judaism was highly influenced by the universal ethics of Kant and his call for individual autonomy.⁵ Later, Hermann Cohen and Leo Baeck introduced Kant to a whole new generation of Jewish thinkers and reformers.⁶

Undoubtedly, the eighteenth-century Enlightenment laid a foundation for the Jewish entry into modernity. With the benefit of hindsight, it is easy to conclude that the Enlightenment ultimately failed to fulfil its promises of progress, freedom, and dignity of every individual — especially for the Jews. However, around the turn of the nineteenth century, European Jews had plenty of reasons to be optimistic. The Enlightenment had ushered in a new age of opportunity.

⁴ Wilhelm von Humboldt, 'Über den Entwurf zu einer neuen Konstitution für die Juden (1809)', in *Gesammelte Schriften*, vol 10, *Politische Denkschriften I. 1802–1810*, ed. by Bruno Gebhardt (Berlin: Behr, 1903), pp. 97–115 (p. 99).

⁵ Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit: Wayne State University Press, 1988), pp. 64–66

⁶ *Ibid.*, p. 205–08.

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