AJS Review 38:2 (November 2014), 423–430
© Association for Jewish Studies 2014
doi:10.1017/S0364009414000348

Salo Baron on Emancipation

David Sorkin

Throughout his career Salo Baron wrote about emancipation. In his scholarship on the modern period, it was perhaps the subject that concerned him most and, not surprisingly, he offered the most geographically comprehensive and conceptually inclusive understanding of emancipation of all his contemporaries. Baron freed himself from the *parti pris* positions of both emancipationist and nationalist historians, as well as other ideologically constrained, often monocausal explanations.

Though spreading over four decades, five pieces by Baron touched upon emancipation directly: his first book, *Die Judenfrage auf dem Wiener Kongress* (1920); his justly famous and now classic essay, "Ghetto and Emancipation," *Menorah Journal* (1928); the chapter entitled "Emancipation" in volume two of his *A Social and Religious History of the Jews* (1937); the chapter in his account of the modern period entitled "The Dynamics of Emancipation" in Leo Schwarz ed., *Great Ages and Ideas of the Jewish People* (1956); and, finally, his most concentrated account of emancipation, his article "Newer Approaches to Jewish Emancipation" published in the journal *Diogenes* (1960). He emphasized the essential ambiguities of emancipation, its disadvantages alongside its advantages, its stupendous losses as well as its tremendous gains and questioned the integrationist historians' unalloyed celebration, and the nationalist historians' unrelieved denigration of emancipation.

Baron sought a third way between those extremes. This was already apparent in his 1920 study of the Congress of Vienna, called in 1814 to address the European balance of power in the aftermath of the Napoleonic wars. In this book, Baron he provided a compelling answer to the Congress' failure to grant equality to Jews throughout Central Europe—a uniform emancipation was yoked to German unification, but both causes shattered on the same rock of particularist interests.

Still, Baron did not deny the Congress' achievements. Paid advocates such as Carl August Buchholz (1785–1843), who represented Jews in the Hanseatic cities of Lübeck, Hamburg and Bremen, and the Viennese Jewish bankers and their wives, who entertained the diplomats in order to lobby them, succeeded in bringing the legal status of the Jews onto the Congress' agenda as an independent issue rather than a mere appendage of the question of German unity.[1] Buchholz in particular advocated for a uniform treatment of the Jews' rights over the prerogatives of individual polities—and often in opposition to the myopic representatives—indeed, Jewish representatives—of individual Jewish communities. Baron further stressed the Congress' success in maintaining equality in numerous

1. Salo W. Baron, *Die Judenfrage auf dem Wiener Kongres* (Berlin: R. Löwit, 1920), 147.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

polities and the moral triumph of making the "Jewish question" a "European question."[2]

In the 1928 article "Ghetto and Emancipation" Baron subverted the emancipationist and, he stressed, Zionist as well as Reform bipolar, black and white version of Jewish history in which the new dispensation of emancipation replaced the "extreme wretchedness," as he phrased it, of the Middle Ages.[3] Baron argued that prior to emancipation the Jews had been a "privileged minority" whose poorest members enjoyed a higher standard of living than the vast majority of the surrounding population (*villeins*). Indeed, he treated the legal status of direct subjection to the Emperor, "serfs of the chamber" or *servi camerae*, as embodying that privilege, which he characterized, using David Hume's categories, as "civil subjection" compared to the peasants' "domestic slavery."[4] Conclusive proof of that "privileged" position in the Middle Ages and the early modern period for Baron was the fact of Jewish population increase: the number of Jews rose far more rapidly than the general population both before and after emancipation.[5] At the same time, Baron highlighted what Jews lost in making the transition from an "ethnic organism" to a "confession." They were divested of their "internal autonomy" that gave them "a full, rounded life … under a corporate governing organization" and that "contributed in large part toward the preservation of Jewry as a distinct nationality."[6] In the modern era, Jews began to consider themselves as a religion or a "confession," rather than a national group. They also found themselves subject to such "equal duties" as military service. Baron stressed that these developments were perhaps unavoidable since emancipation was, "a necessity even more for the modern State than for Jewry."[7] As the state dismantled corporations in order to bring the entire populace under the jurisdiction of one uniform legal system, the Jews could not remain an exception by retaining corporate status and internal autonomy.

Baron also discarded the cliché of the east-west divide that impaired so much of the scholarship then—and I dare say also now—by offering the most geographically comprehensive account extending from Russia in the east to England in the west, even incorporating the New World colonies. Transcending the supposed east-west divide was essential to conceptualizing his third way between the emancipationist and the nationalist schools. One could plausibly propose that in this regard Baron's own geographical origins informed his historical imagination.

Baron was a native of Galicia, a region, where since the creation of the dual monarchy of Austro-Hungary Jews were politically emancipated, and thus aligned with the "West." The social and economic structure of that impoverished province,

2. Baron, *Die Judenfrage auf dem Wiener Kongress*, 206.

3. Salo W. Baron, "Ghetto and Emancipation: Shall We Revise the Traditional View?" *Menorah Journal* 14 (1928): 525 n. 6.

4. Baron, "Ghetto and Emancipation," 518.

5. Baron, "Ghetto and Emancipation," 521–2.

6. Baron, "Ghetto and Emancipation," 519–20.

7. Baron, "Ghetto and Emancipation," 524.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

which the Habsburg Empire had intentionally kept backward by deliberately locating industrial development elsewhere, aligned them with the "East." Galicia was thus a liminal province, in the terms of the east-west divide, the anomaly of an emancipated "east" European community.

Galicia's peculiar situation produced a remarkable harvest of historians. Moses Schorr (1874–1941) was born in Przemyśl; Meyer Bałaban (1877–1942), Philip Friedman (1901–1960), and Natan Gelber (1891–1966) all hailed from Lwów (now Lviv); Raphael Mahler and Artur Eisenbach were both from Nowy Sącz; Emanuel Ringelblum from Buczacz; and Ignacy Schiper (1884–1943) and Salo Baron from Tarnów. These historians first benefitted from a strong Jewish textual education combined with Galicia's rigorous Gymnasia and multi-lingual humanist education. They then had the option of attending a number of outstanding universities, in Lwów or Cracow in Galicia itself, or Vienna in the imperial capital, and, after World War I, when Poland regained independence, also Warsaw.[8]

Born in 1895 into an "enlightened" Hasidic family of wealthy bankers and businessmen, Salo Wittmayer Baron studied as an external student at a gymnasium in Tarnów, studying through private tutoring and taking the gymnasium exams, and then attended the University of Cracow for about a year, leaving just ahead of the advancing Russian army at the start of World War I. Alongside tens of thousands of other refugees from Galicia, he made his way to Vienna, where he spent a dozen years (1914–26),[9] earning three doctorates in History (1917), Political Science (1922), and Jurisprudence (1923) while also studying Judaica at the *Israelitisch-Theologischen Lehranstalt*.[10] Baron's famous "lachrymose theory" may have roots in his Polish education, either in the gymnasium or at the University in Cracow, where, as David Engel has recently shown, he may have been inspired by the work of some of the Polish historians of the pre-WWI era, who questioned the "regnant negative image of the Middle Ages" and celebration of the modern state.[11]

In his 1937 *A Social and Religious History*, Baron argued for a tripartite division of Europe, further challenging the common east-west divide. "The progress of Emancipation" he wrote, "was … slow and full of sudden reversals… it may be asserted that Western European Jewry was emancipated in the eighteenth, Central

8. Antony Polonsky, "Artur Eisenbach and Polish-Jewish History," in *The Emancipation of the Jews in Poland, 1780–1870* (Oxford: Blackwell, 1991), xv–xvii; and Natalia Aleksiun, "Polish Jewish Historians before 1918: Configuring the Liberal East European Jewish Intelligentsia," *East European Jewish Affairs* 34 (Winter 2004): 41–54, no. 2. For a brilliant intellectual biography of the Galician historian Emanuel Ringelblum see Samuel D. Kassow, *Who Will Write our History? Rediscovering A Hidden Archive from the Warsaw Ghetto* (Bloomington: Indiana, 2007).

9. David Engel, "Crisis and Lachrymosity: On Salo Baron, Neobaronianism, and the Study of Modern European Jewish History," *Jewish History* 20, 3–4 (2006): 259–63.

10. Robert Liberles, *Salo Wittmayer Baron: Architect of Jewish History* (New York: NYU Press, 1995), 22–25.

11. David Engel, "Salo Baron's View of the Early Middle Ages in Jewish History: Early Sources," in *Studies in Medieval Jewish Intellectual and Social History: Festschrift for Robert Chazan*, eds., David Engel et al. (Leiden: Brill, 2012), 299–315.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

European Jewry in the nineteenth, and the East European Jewish masses in the twentieth century."[12] For Baron the "protracted struggle for emancipation in Germany (including Austria) … [made it] the classical laboratory for the Jewish question in the nineteenth century."[13] He divided Europe between those countries that made a "fresh start" in their policies towards Jews, namely, England, the Low Countries, and France (in that group he also included the US), and the "old monarchies" in Central and Eastern Europe that preserved established patterns, namely, Germany, Austria-Hungary, and Russia.[14] In the Central European states of Germany, Austria-Hungary and Italy the progress of emancipation kept pace with that of democracy in general.[15] Baron insistently pointed out that the vast majority of Europe's Jews (including those in the Ottoman Empire) still did not enjoy legal equality at the beginning of the twentieth century.[16]

For Baron emancipation was a legal and an extra-legal process. Perhaps because of his training in both law and history, he knew that one should not equate paper legislation with actual historical change. He understood that it was insufficient to evaluate the Jews' prescribed legal status without examining their lived situation. That is, one had to determine if and in what manner legal changes were implemented and the precise impact(s) such changes had. He argued, for example, that in the American colonies the Jews' situation, frequently better than that of Catholics or dissenting Protestants, often exceeded the legal one. In contrast, the Minority Rights Treaties, which Poland had signed at the Versailles Peace Conference and which guaranteed the Jews' equality, had little impact on the Jews' parlous position in inter-war Poland. Nevertheless, Baron recognized that "once adopted, [law] becomes a social force."[17] For this reason he also reconsidered emancipation's chronology. Reflecting on the abrogations of emancipation in the inter-war period, Baron speculated: "One should not be surprised, indeed, if historians of the future would date the beginnings of real Jewish emancipation not with 1787 or 1790 or even 1848, but rather with the first postwar year of 1946."[18]

While Baron held that emancipation had been a necessity for the state, he also recognized the significance of a range of other factors. This was especially the case since he argued that "social," "economic," and "intellectual" emancipation had preceded political emancipation. European Jewry grew in numbers from its lowest point in 1648 to its greatest in 1937. It expanded geographically

12. Salo W. Baron, *A Social and Religious History of the Jews* (New York: Columbia University Press, 1937), 2:228. In his *The Russian Jew under Tsars and Soviets* (New York: Macmillan, 1976) Baron has no entry for emancipation in either the table of contents or the index. He does discuss the subject for Alexander II's reign in a section entitled "Whiff of Liberalism," 46–50.

13. Baron, *A Social and Religious History*, 2:240. He would repeat this in his popular "Dynamics of Emancipation," in *Great Ages and Ideas of the Jewish People*, ed. Leo Schwarz (New York: Random House, 1956), 326–27.

14. Salo W. Baron, "Newer Approaches to Jewish Emancipation," *Diogenes* 8 (Spring, 1960): 57–64.

15. Baron, "Newer Approaches," 64.

16. Baron, "Dynamics of Emancipation," 334–335.

17. Baron, "Dynamics of Emancipation," 320.

18. Baron, "Dynamics of Emancipation," 336.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

to Holland, Belgium, England, and the colonies, and with the partitions of Poland to the Austrian interior, Hungary, and Russia's southern provinces. With "geographical expansion" came an "intensification of Jewish economic life."[19] Baron asserted that it was imperative to consider the "totality of forces" behind emancipation to understand also "the halting historic progression toward Jewish equality of rights."[20] Among those forces were, capitalism, the Enlightenment, and the Haskalah, which, according to Baron, began in Italy and Holland, not Germany.[21] Indeed, one of his more memorable lines commenting on the Haskalah is: "To find the beginnings of Jewish enlightenment in Mendelssohn, is a curious misjudgment, due mainly to the provincialism of German Jewish historiography."[22]

Likely influenced by trends in Polish scholarship, Baron argued for the insufficiency of emancipation legislated by individual states, and stressed the importance of international enforcement. The same Polish historians of the pre-WWI era who questioned the "regnant negative image of the Middle Ages" and celebration of the modern state had recognized the deficiencies of the modern state unrestrained by an enforceable international order, arguing that the modern state had destroyed the international order and undermined the medieval ideal of the "welfare of all."[23] During and after emancipation there was an exponential growth of violence against Jews, who fared better in multi-national empires and "nationalities-states" than in "nation-states," which often succumbed to virulent nationalism. For that reason Baron looked to the guarantee of international law and an international organization capable of enforcing such law.[24]

Baron had first pointed to the need for international order in his book on the Congress of Vienna, written during a period when he personally experienced a degradation of his political status from the multi-national Austro-Hungarian Empire to the successor Austrian nation-state.[25] Considered officially "stateless" during his years in Vienna, as Austria considered him a "Polish" national who had no claim to citizenship, Baron found himself dependent upon bureaucrats who could refuse to issue even a temporary passport. He was able to resolve the issue only with outside intervention: the well-connected Stephen Wise, who hired Baron to teach at the Jewish Institute of Religion in New York, helped him to secure an Austrian passport as well as an American visa.[26]

19. Baron, *A Social and Religious History*, 2:164–180.

20. Baron, "Newer Approaches," 80.

21. For capitalism, beginning with mercantilism, see Baron, *A Social and Religious History*, 2: 175–190; for the Enlightenment 2: 202–204; for the Haskalah 2:210–223. For capitalism and the Haskalah see Baron, "Newer Approaches," 76–78.

22. Baron, *A Social and Religious History*, 2:204.

23. Engel, "Salo Baron's View of the Early Middle Ages in Jewish History," 299–315.

24. Baron, "Newer Approaches," 80–81; Salo W. Baron, "The Jewish Question in the Nineteenth Century," *Journal of Modern History* 10 (March, 1938): 64–5.

25. Baron, *Die Judenfrage auf dem Wiener Kongress*, 206.

26. Engel, "Crisis and Lachrymosity," 259–63.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

Baron's achievements with regard to his scholarship on emancipation are incontrovertible. And yet, he did not succeed in developing a terminology and a conceptual framework consistent with his rigorous analysis, employing anachronistic terms and concepts. For example, Baron treated Holland as a case of "fundamental equality minus a few disabilities."[27] First of all, it is a misnomer to speak of Holland in general, when one should rather speak of Amsterdam. Other cities, whether in Holland or other provinces, prohibited Jews: Groningen did not admit Jews until 1711, Utrecht until 1789, and Deventer only in the 1790s.[28] In addition, "equality" presupposed that there was no charter granting specified privileges. Yet several Dutch cities did issue charters: Alkmaar, 1604, Haarlem, 1605, Rotterdam, 1610.[29]

The special position of Amsterdam Jewry derives from the fact that it was the first Jewry to settle in Western Europe without a special charter. The Jewish resettlement of Western Europe, including the Italian cities of Ancona, Venice, and Livorno, and continuing up the Atlantic seaboard (Bordeaux), and the North Sea (Hamburg) had rested on charters. Jews were treated as a merchant colony and, like other merchant colonies, negotiated for, and received, a charter. Charters granted privileges, often quite extensive, as in the case of the famous "Livornina" (1593), which could be construed as an establishment of parity between Jews and other groups. Still, by definition this could not, comprise "equality"; a society based on charters had no uniform legal status that could constitute "equality."

Amsterdam was a civil society in the making. It did not issue charters to any merchant groups. Amsterdam's government was struggling to determine how to govern, and maintain social control and discipline, in a multi-confessional city. Calvinism was the "public," albeit not the established Church, representing only a minority of the populace. Yet all religions aside from Calvinism had to be excluded from, or have only strictly limited access to, public space. Among the various confessions only Jews and Lutherans, who were seen as wealthy merchants of foreign origin, were allowed to erect public ecclesiastical buildings beginning in the 1630s.[30] But Catholics were excluded and had to pray in so-called attic churches (*schuilkerken)*, which until 1796 were not to be visible from the street, even if their existence was well known.

In some respects the city's treatment of Jews became a template for other groups in Amsterdam: the Jews exercised internal authority vested in a lay leadership, maintained fixed boundaries, and, perhaps above all, took responsibility for

27. Baron, "Newer Approaches," 59.

28. Jonathan. I Israel, *The Dutch Republic: Its Rise, Greatness and Fall, 1477–1806* (Oxford: Clarendon Press, 1995) 658.

29. Daniel M. Swetschinski, *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth-Century Amsterdam* (London: Littman Library of Jewish Civilization, 2000), 48.

30. Joke Spaans, "Religious Policies in the Seventeenth-Century Dutch Republic," in *Calvinism and Religious Toleration in the Dutch Golden Age*, eds., R. Po-Chia Hsai and H.F.K. Van Nierop (Cambridge: Cambridge University Press, 2002), 81.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

their own poor.[31] Yet, one should not overlook the inchoate nature of the Jews' position. The community was, in Daniel Swetschinski's formulation, a "voluntary religious association governed, in part, as a mercantile community."[32] Jews paid municipal and state taxes as individuals, not collectively. The Jews' organization had the status of the "Jews' church" (*Jodenkerck*). The *Mahamad*'s authority rested on unresolved ambiguities: it arrogated to itself a vast array of powers that the municipal government neither deputed not disputed. It looked to Venice as its mother community yet Venice's status was essentially different since it was based on charters. The status of individual Jews was similarly unresolved. Jews could acquire municipal citizenship from 1597, yet it was not heritable, so they remained "permanent first generation immigrants." They were not admitted to the guilds and had no access to administrative, legal or military posts.[33] In the hierarchy of religious groups their burgher membership was less than that of the Calvinists yet not entirely comparable to that of Catholics and other dissenters who were restricted to private worship but eligible to join the guilds.

It would be wrong to assume that there was an established "equality" from which the Jews were excluded by a few "disabilities." There was a hierarchy of differentiated "burgher" statuses defined according to religion. Jews were being included in an emerging civil society. They were being accorded basic civil rights: residence and most occupations, religious freedom and juridical standing. They paid their taxes as individuals and as individuals were subject to the local courts. To characterize this situation Lois Dubin's term of "civil inclusion" is more apt.[34]

And yet, where one can speak of Jews gaining "equality" is in the Dutch colonies. In Dutch Brazil (1645), Surinam (1665), Nova Zeelandia (1657), and Cayenne (1659) Jews were recognized as equal to the "native born" or other colonists. Although this was still done through charters, the colonies themselves were established and governed through charters.

The second example of terminological difficulty is England, which Baron characterized as a case of "equal citizens subject only to such disabilities as arose indirectly from the existing legislation."[35] Here again the formulation presupposes or posits a pre-existing equality. It is more precise to characterize the situation of the first Jews in England after 1655 following Todd Endelman as a "statutory vacuum" in which they tested their legal standing empirically, on a case by case basis, largely through the courts but sometimes through direct intervention in Parliament or at court.[36] Their status gradually came to resemble that of

31. Peter van Rooden, "Jews and Religious Toleration in the Dutch Republic," in *Calvinism and Religious Toleration in the Dutch Golden Age*, 132–47.

32. Swetschinski, *Reluctant Cosmopolitans*, 187.

33. Swetschinski, *Reluctant Cosmopolitans*, 24–5.

34. Lois Dubin, "Subjects into Citizens: Jewish Autonomy and Inclusion in Early Modern Livorno and Trieste," *Jahrbuch des Simon-Dubnow-Instituts* 5 (2006): 51–81.

35. Baron, "Newer Approaches," 60.

36. Todd Endelman, *The Jews of Britain, 1656–2000* (Berkeley: The University of California Press, 2002), 36.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press

Protestant dissenters, and so it is perhaps no surprise that the first purpose-built synagogue in London, Bevis Marks (1699–1701), designed by a Quaker architect, had the façade of a dissenting chapel and was located on a lane rather than on a public street. It seems that in the case of London, too, the term "civil inclusion" is probably more appropriate: Jews appeared to have freedom of residence and occupation (except where excluded by an oath, as in the case of becoming a freeman of the City of London), individuals paid their own taxes, and the community, the *Mahamad*, arrogated to itself the same powers as its mother community in Amsterdam, established on a similarly ambiguous foundation as a historically unprecedented voluntary community. Moreover, the English colonies also granted "equality" in charters, either following the Dutch precedent or the privileges the Dutch had extended to Jews.[37]

Although in his groundbreaking studies Baron successfully removed many of the larger obstacles that precluded the careful study of emancipation, in discussing the Jews' legal position in the early modern era he remained trapped in the language that implied a teleological quest for equality in using such phrases as the "progress of emancipation" or "the halting historic progression toward Jewish equality of rights."[38] These terminological problems are probably inherent in the study of emancipation since it is by definition teleological, as it traces the history that leads to the pre-determined goal of equality. It is thus difficult to avoid applying a retrospective terminology such as "fundamental equality minus a few disabilities." Yet this is precisely what historians should attempt to do, however difficult or, if one is striving to construct a suspenseful or lively narrative, self-defeating. Rather than peering backward through the long-distance telescope of a desired "equality," we should peer forward by putting a microscope to the multiple situations, many of which resist easy definition because they were unprecedented, fluid or mercurial, in which Jews found themselves and functioned. After all, Jews in seventeenth-century Amsterdam and London would not have measured their status against an abstract goal of "equality." What is necessary is to recover, and define precisely, the pertinent categories and concepts of the time before integrating them into a comprehensive schema of emancipation.

David Sorkin
Yale University
New Haven, Connecticut

37. Yosef Haim Yerushalmi, "Between Amsterdam and New Amsterdam: The Place of Curaçao and the Caribbean in Early Modern Jewish History," *American Jewish History* 2 (1982): 188.

38. Baron, *A Social and Religious History*, 2:228; and Baron, "Newer Approaches," 80.

https://doi.org/10.1017/S0364009414000348 Published online by Cambridge University Press