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Judaism as Religious Cosmopolitanism: Apologetics and Appropriation in the *Jüdisches Lexikon* (1927–1930)

Irene Zwiép

In 1919, one year after the unspeakable *Barbarei* of the Great War, thirty-six-year-old Franz Kafka turned to his father Hermann in a personal letter. “Dearest Father,” it said, “recently you asked me, why it is that I say I dread you.”¹ Afraid to answer the question in a direct confrontation, the son chose the subtle delay of writing. From the paradoxical superlative (*liebster Vater*) to the cynical framing of the father’s question (*warum ich behaupte, ich hätte Furcht vor Dir*) the opening line was vintage Kafka. What followed was a merciless dissection of a father-son relationship that suffered from a fundamental lack of mutual affinity and respect. Not even Judaism, their shared point of departure, proved a viable point of contact or, in Kafka’s words, an escape-route from his father’s overbearing discontent.² Instead of bringing them closer, their different expectations and experiences of Judaism only seemed to deepen the rift.

In the letter Kafka described his father’s Judaism as a remnant from his youth in a small village community, not so much a ghost as a souvenir, a cheap token of little value and no intrinsic meaning. For Kafka *père*, as for so many emancipated urban Jews, Judaism had lost its function as a guiding principle rooted in devout tradition. Instead, his creed echoed the profane “opinions of one specific Jewish social class,” a set that others jokingly referred to as Jewish citizens of the bourgeois faith. In the synagogue, which the family attended four times a year (hence the expression *Viertagesjuden*), the father proved surprisingly knowledgeable but impiously indifferent. Not so the son, to whom the service seemed endlessly boring, with the Torah scrolls resembling old, headless dolls, the holy ark a shooting gallery at a funfair.³ For Hermann Kafka, born in 1851, *Judentum* had dwindled into “a nothing, a joke, not even a joke” – empty, pointless, yet curiously persistent. For his son Franz, born a decisive

1 “Liebster Vater, Du hast mich letztthin einmal gefragt, warum ich behaupte, ich hätte Furcht vor Dir;” Franz Kafka, *Brief an den Vater* (Frankfurt am Main: S. Fischer Verlag, 1952), 1.

2 “Ebensowenig Rettung vor Dir fand ich im Judentum;” Kafka, *Brief*, 44.

3 Kafka, *Brief*, 46.

thirty-two years later, it was little more than a distant mirror. His personal Jewishness, however vague and fragile, was – to paraphrase Hannah Arendt – one of the indisputable factual data of his life.⁴ Collective Judaism, by contrast, had lost its intimate plausibility.⁵

In 1919, one year after the unspeakable *Barbarei* of the Great War, thirty-four-year-old historian Georg Herlitz and Bruno Kirschner, one year his senior, started working on the *Jüdisches Lexikon*, an ambitious reference work that appeared at the Jüdischer Verlag in Berlin between 1927 and 1930.⁶ Their aim was to emulate all previous attempts at giving an overview of the ‘topics, problems, and people’ that were, or had once been, related to Judaism. Less biased than the theological dictionary, less shallow than the *Konversationslexikon*, less strictly academic than the American *Jewish Encyclopaedia* of 1901–1906, and less anecdotal than the alphabetical *Realwörterbuch*, that was how they envisaged their new “encyclopaedic handbook of Jewish knowledge.” What began as a single-volume *Jüdisches Wörterbuch* soon developed into a four-volume encyclopaedia for “the educated classes.”⁷

The *Lexikon*’s print run counted 50,000 copies. In their preface, the editors explicitly targeted a broad audience, inviting not only academics but also *Bildungsbürger*, workers, women, and children to consult their work when looking for answers to Jewish questions, be they theoretical or practical. Still, their ambition was to provide more than a handbook of ready information. All ten thousand entries, they wrote, were bound together by a single unifying principle: the “Idee [...] der ‘Kultur des Judentums,’” a concept which they failed to qualify but which, in their words, best expressed the “organic, inner unity” of Judaism. Surfing from cross-reference to cross-reference, the diligent reader could gain systematic, cutting-edge knowledge of its most important themes and branches, from Assimilation to Zionism, and from Abel to Stefan

4 In her correspondence with Gershom Scholem on the Eichmann controversy in the *Neue Zürcher Zeitung*, 20 October 1963; English translation published in *The Jew as A Pariah. Jewish Identity and Politics in the Modern Age*, ed. R.H. Feldman (New York: Grove Press, 1978), 240–251 (246).

5 For an in-depth analysis of the ambivalent Jewish intellectual identifications with Judaism in the decades preceding and following World War II, see Vivian Liska, *When Kafka Says We. Uncommon Communities in German-Jewish Literature* (Bloomington: Indiana University Press, 2009).

6 On Herlitz, see Robert Jütte, *Die Emigration der deutsch-sprachigen “Wissenschaft des Judentums”: die Auswanderung jüdischer Historiker nach Palästina 1933–1945* (Stuttgart: Steiner, 1991), 89–94.

7 For an impression of the aim, audience, scope and organisation of the *JL*, and of the respective roles of its publisher (the energetic Siegmund Katznelson), staff, authors and subject editors, see the “Einleitung,” vol. 1 (1927), v–xii.

Zweig. Though arranged alphabetically, the *Lexikon* thus had a singular, linear programme: to restore Judaism's intimate plausibility and collective appeal in the face of assimilation and growing Jewish illiteracy. Under the banner of Jewish culture, it hoped to revive at least some of its relevance to those for whom Judaism, in the words of Walter Benjamin, had become "remote as a religion, and unknown [...] as a national aspiration," a problematic legacy that was associated with "antisemitism and a vague sense of piety"⁸ – or, in Kafka's case, with an untouchable, domineering father.

In the late 1920s, the publication of a comprehensive *Jüdisches Lexikon* fit into a pattern that we might call the consolidation of the *Wissenschaft des Judentums*.⁹ The age of personal experiment and intellectual conquest, of the individual genius of scholars like Leopold Zunz and Moritz Steinschneider, was over. What the field needed was a collective reorientation, a joint "Neuorientierung unserer Wissenschaft" in the words of Ismar Elbogen, one of the *Lexikon's* six subject editors.¹⁰ In a 1918 lecture that echoed with the recent trauma of World War I, Elbogen had underlined the importance of a collaborative, project-based approach, built around a central research agenda, at the service of a living Judaism in which *Leben und Lehre*, life and study, would once again complement each other. The *Lexikon*, with its 230 contributors, its popular reach, its emphasis on theory and praxis, and its postulate of one authentic Jewish culture, hoped to offer just that.

In its pursuit of systematic, unifying scholarship, Herlitz and Kirschner's initiative was not unique. In 1901, Martin Buber had set the stakes by drawing the contours of a new, robustly Jewish-national, research agenda in an article that was simply but provocatively titled "Jewish Scholarship."¹¹ A year later, the *Gesellschaft zur Förderung der Wissenschaft des Judentums* called for an orthodox *Neugründung* of the *Wissenschaft*, initiating various collaborative

8 Quoted from Irving Wolffarth, "Männer aus der Fremde": Walter Benjamin and the 'German-Jewish Parnassus,'" *New German Critique* 70 (1997): 3–85 (7).

9 See the introduction to my article "Between Past and Future. European Jewish Scholarship and National Temporalities, 1845–1889," in *Frontiers of Jewish Scholarship: Expanding Origins, Transcending Borders*, ed. A.O. Albert, N. Gerber and Meyer (Philadelphia: University of Pennsylvania Press, 2022), 21–41.

10 Ismar Elbogen, "Neuorientierung unserer Wissenschaft," *Monatsschrift für Geschichte und Wissenschaft des Judentums* 61.2 (1918): 81–96. On Elbogen's programme, see Michael A. Meyer, "Without *Wissenschaft* there is no Judaism," *The Life and Thought of the Jewish Historian Ismar Elbogen*, Braun Lectures in the History of the Jews in Prussia 11 (Ramat-Gan: Bar-Ilan University, 2004).

11 Martin Buber, "Jüdische Wissenschaft," first published in *Die Welt* 41–43 (October 1901) and re-published in Idem, *Die jüdische Bewegung. Gesammelte Aufsätze und Ansprachen 1900–1915* (Berlin: Jüdischer Verlag, 1916), 45–51.

publication series, including the *Corpus Tannaiticum* and the *Germania Judaica* project.¹² In 1919, the historian Eugen Täubler, at the instigation of Franz Rosenzweig, founded a secular Akademie für die Wissenschaft des Judentums, conceived as an independent research centre.¹³ Elbogen's wake-up call, one year before, had been issued within the walls of the ostensibly neutral, but essentially Reform-oriented Hochschule (officially 'Lehranstalt') für die Wissenschaft des Judentums. The Jüdischer Verlag, in its turn, had its roots in the cultural Zionism of Martin Buber and Chaim Weizman. In 1922, it had published Theodor Herzl's diaries, and at the time Herlitz and Kirschner were finalizing their handbook, it was busy issuing Simon Dubnow's ten-volume *Weltgeschichte des jüdischen Volkes* (1925–1929).¹⁴ In the modern age, the term Judaism may have claimed a catholic status, but it came in a series of well-defined opposites: pious versus secular, Reform versus Orthodox, national versus humanistic. And for all its apparent alphabetical neutrality, the *Lexikon*, as we shall see, was no exception.

In their introduction (p. ix), the editors expressly stated they were proud to have worked with an all-Jewish team, but that they had tried to avoid apologetics, both in the overall design and in the individual entries. Hardly surprising, this proved a noble yet idle ambition. One only had to consult the entry on Jewish apologetics, authored by the Viennese writer Samuel Meisels, to learn that Judaism had a long history of religious defence, and that recently the number of apologetic writings had boomed. Inevitably, Meisels wrote, all modern Jewish *Wissenschaft* had "irgendwie eine polemische Tendenz."¹⁵ On the one hand, it saw itself confronted by the "neuzeitliche Judenhassern, die sich "Antisemiten" nennen" (the latter-day Jew-haters who call themselves antisemites); on the other, he continued, there was, as always, the existential polemic with Christianity that demanded its attention.

Taking the long view, one might add that *anno* 1919 the traditional stakes and frames of the theological debate had shifted. Whereas in pre-modern times Jewish scholars had refuted the Christian truth claim from a position of

12 Leopold Lucas, "Zum 25jährigen Jubiläum der Gesellschaft zur Förderung der Wissenschaft des Judentums," *Monatsschrift für Geschichte und Wissenschaft des Judentums* 71 (1927): 321–332.

13 Michael Brenner, "Akademie für die Wissenschaft des Judentums," in *Enzyklopädie jüdischer Geschichte und Kultur*, ed. D. Diner (Stuttgart: Springer-Verlag, 2011–2017). <http://dx.doi.org/10.1163/2468-2845_ejgk_COM_0008>.

14 On the history of Jüdischer Verlag, see Anatol Schenker's doctoral thesis *Der jüdische Verlag: Zwischen Aufbruch, Blüte und Vernichtung*, *Conditio Judaica* 41 (Tübingen: Max Niemeyer Verlag, 2003).

15 Samuel Meisels, "Apologeten des Judentums," *Jüdisches Lexikon* vol. 1, cols. 391–395 (394).

stable, if precarious, alterity, their modern colleagues opposed it from within a process of acculturation and assimilation.¹⁶ This paradoxical predicament meant that they had to rehabilitate Judaism as fundamentally different from Christianity while simultaneously guarding its essential compatibility with the norms and values of the Christian majority and, in the case of the *Jüdisches Lexikon*, of German liberal Protestantism in particular. The result was a proudly modern *Kulturjudentum* that would prove a worthy match to contemporary *Kulturprotestantismus*.¹⁷ This typical attempt at assimilation by imitation¹⁸ may well explain the strong emphasis on an unspecified, yet obviously liberal, *idea of a culture* of Judaism. By the same token, the Protestant benchmark complicated their attempt at shaping a Jewish cultural ethos that was free of apologetic overtones.

To date, the best and most comprehensive analysis of this formative-defensive balancing act is Christian Wiese's monograph on the exchange between Jewish *Wissenschaft* and Protestant theology in Wilhelmine Germany, based on his 1999 German doctoral dissertation.¹⁹ Concentrating on the period 1880–1914, Wiese first sketches the general historical and intellectual context, before zooming in on the major points of contact and combat between Jewish *Wissenschaftler* and Protestant theologians during the period: the awkward relation between *Judenmission* and – perceived – philosemitism (chapter three, with more than a cameo appearance for Gustav Dalman, Hermann Strack and Franz Delitzsch); the contested representations of *Rabbinismus* and *Spätjudentum* in Protestant New Testament scholarship (chapter four, giving centre stage to religious historian Wilhelm Bousset); the impact of Christian higher criticism on Jewish biblical scholarship and theology (chapter five, evaluating, *inter alia*, the position of Rudolf Kittel); and the dynamic of separation and rapprochement in the dialogue between liberal Judaism and liberal

16 For the complex process of turning Judaism into a modern European religion, informed by individual religiosity and a bourgeois habitus, see Simone Lässig, *Jüdische Wege ins Bürgertum: Kulturelles Kapital und sozialer Aufstieg im 19. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 2004), 243–441.

17 For the normative role of German liberal Protestantism, see Steven S. Schwarzschild, "The Theologico-Political Basis of Liberal Christian-Jewish Relations in Modernity," in *Das deutsche Judentum und der Liberalismus: Dokumentation eines internationalen Seminars der Friedrich-Naumann-Stiftung in Zusammenarbeit mit dem Leo Baeck Institut, London* (Sankt Augustin: COMDOK, 1986), 70–95 (79).

18 The phrase is derived from Achad Ha-Am's essay "Chiqquy ve-hitbolelut" in *Selected Essays*, ed. L. Simon (New York: Schocken, 1970), 71–75.

19 Christian Wiese, *Challenging Colonial Discourse: Jewish Studies and Protestant Scholarship in Wilhelmine Germany*, Trans. Barbara Harshav and Christian Wiese, *Studies in European Judaism* 10 (Leiden: Brill, 2005).

Protestantism (chapter six). In the seventh and perhaps least developed chapter, Wiese offsets these results against the Christian reception of contemporary Jewish scholarship, dwelling at length on the Protestant reluctance to welcome Jewish scholars as rightful participants in academic theological discourse. In hindsight, the title of Wiese's English edition (*Challenging Colonial Discourse*) may seem a trifle zealous and trendy. It does, however, neatly cover his central objective, *viz.* to offer a productive counter-history by reconstructing how German-Jewish scholars managed to confront *and* appropriate German-Protestant bias and put it at the service of a modern, viable, and relevant Judaism.

My aim in this short paper is not to challenge or reconsider Wiese's narrative. What I would like to do is take one of its central ideas, namely that of Jewish-Christian appropriation via confrontation, one small step further, both in time (from the early 1900s to the closing days of the *Wissenschaft* around 1930) and in scale, *viz.* from the elite academy to the 50,000 copies of the *Jüdisches Lexikon*. Its editors knew that, in order to help a broad, assimilated audience find the solid Judaism behind their elusive Jewishness, they had to walk a fine line between familiarity and difference, between German habitus and a vaguely resounding Jewish past. This was especially true for their treatment of Jewish religion, and it was here that the recent experience of Jewish-Christian exchange, with its dialectic of conflict and harmonization, came in helpful.

A glimpse of what their readers, in their turn, may have hoped to find can be caught between the lines of Franz Kafka's *Brief an den Vater*. As we have seen, Kafka dismissed his father's Judaism as an empty social routine devoid of higher purpose and intent, a remnant of times past, robbed of all contemporary relevance. From the way he phrased his verdict, we may deduce that for him, Judaism *was* to be taken seriously as a personal guideline inspired by abstract meaning rather than a hollow ritual rooted in social identity or shared descent. Here it was not, I would say, his use of the law metaphor that defined Kafka as a Jewish author (if at all), but his search for a less formulaic, more robust and moving Jewish *Glaubensmaterial* than the one he had been handed by his parents.²⁰ And, hardly surprising, it was precisely this personally relevant, robust and moving religion that the editors of the *Lexikon* wished to offer their readers.

20 Kafka, *Brief*, esp. 47. Compare Vivian Liska's reading of Benjamin on Kafka and the Law in "Benjamin and Agamben on Kafka, Judaism and the Law," in *Towards the Critique of Violence: Walter Benjamin and Giorgio Agamben*, ed. B. Moran and C. Sanzani (London: Bloomsbury Academic, 2015), 175–194.

There are many ways to map the construction of Jewish religion on the pages of the *Jüdisches Lexikon*. In this volume on pro- and anti-Jewish sentiment in Protestant theology, an obvious starting point would be the entry on Judaism as a “Gesetzesreligion” by Dr Max Joseph (1868–1950), rabbi in Stolp (today Szupsk) in Pomerania.²¹ On a *prima facie* level, the term resounded with the Pauline stigma of Jewish *religion as law*, an uncomfortable buzzword which, in the words of Viennese rabbi Moritz Güdemann, had become an obstinate prejudice which, ironically, modern thinkers like Moses Mendelssohn had confirmed rather than refuted.²² On a more intimate, inner-Jewish level, it epitomized the modern unease with law as part of the Jewish religious ethos. The idea of *Gesetzesreligion* had become a paradox, one might say, if not an outright contradiction in terms.

Following the *Lexikon*’s reading guidelines, we can use this precarious lemma as a steppingstone for a journey through related territory, with the entries “Gesetz” and “Religion” as our main beacons. In essence, the themes and motifs that emerge from this cluster were hardly new, yet they had regained urgency in the face of Jewish assimilation and its many, private as well as public, consequences. The main issues that governed its contents and rhetoric can be summarized as follows: (1) the obvious, yet ill-defined relation between individual and collective Judaism; (2) the fragile bond between Judaism and civil society; and (3) the conflict between docile ‘legalism’ and the modern insistence on moral choice. As we shall see, in each of these domains the idea of a divinely revealed law, laid down in a covenant between God and his creation, was the problem as well as the solution.

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21 Vol. 2 (1928), cols. 1117–1118. On Joseph’s theological-political position, see Georg Y. Kohler, “Rabbi Max Joseph: between Reform and Zionism,” *Review of Rabbinic Judaism* 19.1 (2016): 96–117.

22 Moritz Güdemann, *Jüdische Apologetik* (Glogau: Flemming, 1906), 159–160. In *Jerusalem oder über religiöse Macht und Judentum* (1783), Mendelssohn had defined Judaism as revealed legislation rather than revealed religion, in order to secure its rational potential. The orthodox Güdemann, by contrast, reinterpreted Jewish *Gesetz* as *Gesetzlichkeit* (legality), which in its turn equalled *Gerechtigkeit* (justice) and hence had a strong connection with *Sittlichkeit* (morality). For him, the essence of Judaism lay in its teachings (*Lehre*), not in its laws. See D. Feuchtwang, “Moritz Güdemanns Anteil an der Wissenschaft des Judentums,” *Monatsschrift für Geschichte und Wissenschaft des Judentums* 62 (N.F. 26) (1918): 161–177 (167), and Ismar Schorsch, “Moritz Güdemann: Rabbi, Historian and Apologist,” *Leo Baeck Institute Yearbook* 11.1 (1966): 42–66.

Max Joseph's defence of law-based religion, a concept that existed by virtue of the difference between Judaism and Christianity, was a prime example of assimilation through apologetics. Taking the Pauline opposition as his point of departure, Joseph began by explaining that originally the term *Gesetzesreligion* had been coined to denote a difference in *theological* perspective. Whereas Christianity believed in release from original sin through grace and sacrifice, Judaism hoped to achieve justice before God by obeying his laws and statutes. Until today Judaism had not forfeited this basic tenet, whose goal was to boost morality and preserve human dignity. Such unwavering obedience, Joseph hastened to add, was a constant mental struggle, in which the moral mortal depended on God's encouraging grace. Using big words and packing them into complex sentences, Joseph's prose tends to make a hard read. His strategy, by contrast, is crystal clear: to secure Judaism's individuality by acknowledging the Pauline definition, while making sure to highlight its interface with current Christian values. Hence the emphasis on human dignity, moral struggle and, almost by way of an afterthought, the invocation of heavenly moral support.

In recent times, we learn from the remainder of Joseph's argumentation, the discussion had shifted towards an opposition of *moral* attitudes, with Judaism as the embodiment of rigid legal reckoning and Christianity as the religion of merciful love. The identification of Judaism with law was true, he granted, in as far as historical Israel had adopted a set of legal, cultic and ceremonial rulings *on top of* its religious and moral teachings. It was false, however, when taken to mean that all Jews preferred outward legal action over inner moral scruple. One only had to delve into biblical literature and savour its piety and wisdom, to see that Jewish legalism was compatible with a "deep and pure religiosity [...] and morality, rooted in genuine love of humankind." In modern times, he concluded, when the (moral) essence of religion was more readily recognized than ever before, both Judaism and Christianity had given centre stage to this holy inner ethos. Nowadays, it was especially "critically oriented" (read: Reform) Judaism that strove to realize the divine *Sittengesetz*, the cosmopolitan moral law that found its roots in God.

In its final conclusion the entry on *Gesetzesreligion* expressly matched the editors' wish to create a Jewish equivalent to liberal Protestantism. Judaism was put forward as a fellow-ethical monotheism, closely mirroring Christianity in its ambitions regarding personal piety and humanist philanthropy. In Joseph's – indeed rather implicit – prose, the main differences between the two religions were presented as historical accidents: it was post-exilic Israel who, under Ezra and Nehemiah, had adopted a host of public and cultic laws, and it was early rabbinic Judaism that had prioritized accountability over redemption. In the bibliography we find that Joseph had found ammunition in two

equally relevant, yet slightly incongruent publications. For religious defence he relied on Moritz Güdemann's *Jüdische Apologetik* (1906), which had been published by the orthodox Gesellschaft zur Förderung der Wissenschaft des Judentums and targeted a Jewish audience who, according to some, knew their Wellhausen better than they knew the Hebrew Bible.²³ For his reconciliation of law-based religion and moral autonomy, Joseph had drawn inspiration from *Die Ethik des Judenthums*, where Reform leader Moritz Lazarus had forged a remarkable bond between *Versittlichung* and *Gesetzlichkeit*, between the human will to do what is right and the 'autonomous' Jewish law that empowered the Jewish collective to make that choice.²⁴

The gist and tenor of Joseph's thoughts were confirmed in the entries "Gesetz" and "Religion, jüdische," written by Reform rabbi Max Wiener, editor of the *Lexikon's* religion section. During his rabbinical training at the theological seminary in Breslau and the Berlin Lehranstalt für die Wissenschaft des Judentums, Wiener (1882–1950) had received a doctorate for his thesis on *Johann Gottlieb Fichtes Lehre vom Wesen und Inhalt der Geschichte* (1906). From 1908 he had been Leo Baeck's assistant in Düsseldorf, followed by rabbinical positions in Stettin (Szczecin) and, from 1926, Berlin. Since the 1960s his interpretation of twentieth-century Jewish Reform as superior ethical monotheism has been the subject of several publications.²⁵ Within the context of the *Lexikon*, however, the main challenge was to reconcile the modern notion of religion as religiosity with the traditional legal habitus. And so Wiener, like Joseph, but in much greater detail, set out to reinterpret the history of Judaism as a law-based religion.²⁶ For the sake of brevity I will refrain from analysing his entire argumentation, but instead follow one connecting thread that is relevant for our context.

Wiener's entry can be read as a belated correction of Wilhelm de Wette's (1780–1849) early but influential typology of degenerate *Judenthum*.²⁷ Roughly

23 Sic Feuchtwang, "Moritz Güdemanns Anteil," 171. See also footnote 22.

24 Moritz Lazarus, *Die Ethik des Judenthums* (Frankfurt: J. Kaufmann, 1899), §§ 203–219. For a discussion, see Zwiep, "Gesetz als Gegensatz," and the literature cited *ibid.*, fn. 30.

25 Hans Liebeschütz, "Max Wiener's Reinterpretation of Liberal Judaism," *Leo Baeck Institute Yearbook* 5 (1960): 35–57; Pinchas Rosenblüth, "Gesetzesreligion als positiver Begriff: Max Wieners Verständnis der Thora," in *Treue zur Thora: Beiträge zur Mitte des christlich-jüdischen Gesprächs. Festschrift für Günther Harder zum 75. Geburtstag*, ed. P. von der Osten-Sacken (Berlin, 1979), 101–107; Wiese, *Challenging Colonial Discourse*, 239–248, focusing on Wiener's reception of the Protestant interpretation of prophecy in the early 1910s.

26 Vol. 4.1 (1930), cols. 1323–1341.

27 In his *Biblische Dogmatik Alten und Neuen Testaments. Oder kritische Darstellung der Religionslehre des Hebraismus, des Judenthums, und des Urchristenthums* (Berlin, 1818).

following the latter's periodization, Wiener began by sketching the customs of the biblical patriarchs, mapping their interconnections with broader Semitic polytheism and primitive magic, elements of which (e.g. circumcision) had been absorbed into pre-Mosaic rite. A turning point had been the founding, by Moses, of the religion-cum-nation known as Israel. Its key text was the Book of Deuteronomy, where "old legal materials and moral-humanistic principles were merged," thus creating "an ideal nation that was devoted to its divine law-giver and benefactor through deep humanity in statute and law."²⁸ During the Babylonian exile religion had taken priority over politics, and "ancient religious custom had been transformed into austere religious law that was to be kept with utmost stringency" (e.g. the *mitzvah* to observe the Shabbat).²⁹ In the era of political restoration that followed upon Judah's return, Ezra and Nehemiah had tried to safeguard this religious *Geist* by choosing God's Torah as their holy constitution. A theocracy was born, with a special role for the scribal class, whose task was to convert the revealed Word of God into an increasingly intricate legal corpus.

Such was the legacy, Wiener continued, that was handed down to the rabbinic sages. It had been their mission to translate the principles behind the Judean theocracy into a viable model for Jewish life under foreign rule. To this end they decided to subordinate the totality of human life (*das Ganze des Daseins*) to the divine law, a move that gave all of life religious meaning, down to the slightest, most delicate detail. The holistic span of God's command was reflected in their holistic take on the law: in rabbinic legal thinking there could be no distinction between the religious and the moral, or between public law and cultic custom. The substance of the rabbinic elaborations was drawn from a – sometimes more, sometimes less religiously biased – folk tradition that went back many centuries. Unlike the worldly, aristocratic Sadducees, the scribes and Pharisees thus became the keepers of the nation's cultural heritage.³⁰

To refute De Wette meant to counter the reputation of *Rabbinismus* as the degenerate successor to Old Testament *Hebraismus*. The Pharisaic scribes, Wiener conceded, had perhaps been a bit radical in their *Gesetzhaftigkeit* and in their putting rational intellectualism above simple piety.³¹ One should not

In De Wette's narrative, Old Testament religion had evolved from early polytheistic Hebraism, via Mosaic theocratic Hebraism, to symbolic prophetic Hebraism. By exchanging morality for speculation, and by preferring interpretation and *Buchstabenwesen* over religious esprit, rabbinic *Judenthum* had marked its ultimate collapse.

28 Vol. 4.1 (1930), col. 1330.

29 Ibid.

30 Ibid., 1334–1335.

31 Ibid., 1337.

forget, however, that keeping the *mitzvoth* was in itself a pious act, from which morality and humanism were never absent. It was a grave injustice, therefore, to dismiss the Pharisees and their followers as hypocrites, as the authors of the Gospels had done. Putting their theory (of respect, justice, chastity and humility) into practice, they had lived and died for their creed like few others had. And where Christianity had managed to inspire little beyond the passive, sentimental egotism of *Innerlichkeit* and *Gnadenerfülltheit*, the Sages had successfully propagated a religious life of action and responsibility, filled with 'den einzigartigen Ernst der Tat.'³²

It was this form of 'Talmudic-rabbinic religiosity' that dominated Judaism's subsequent spiritual development. Various historical developments – medieval Karaism, the introduction of religious philosophy, Kabbalah, the rise of charismatic Chassidism – could not affect this ancient inner core. The nineteenth-century response to political emancipation had posed a more significant threat, with Jewish Reform (too doggedly confessional to Wiener's taste), Orthodoxy (too extreme and bordering on the sectarian) and Zionism (too particularistic, like all other nationalisms) corroding the rabbinic idea of religion, each in its own uncompromising way. The future, Wiener told his readers, lay with twentieth-century *Liberalismus*. Taking nineteenth-century Reform to the next, more balanced level, this new variant would succeed in reconciling religious inspiration with the "individuality of personal, subjective life," a life nourished by tradition but never governed by it, leaving room for free judgment and private conscience in a Jewish key.

Wiener's sketch of religious law as the backbone of Jewish life through the ages was excerpted from his essay "Tradition und Kritik im Judentum," published one year before in *Protestantismus als Kritik und Gestaltung*, a publication of Paul Tillich's religious-socialist Kairos-Kreis.³³ In both versions, Wiener's line of argument was historical, with little differentiation between his Protestant and Jewish audiences. One important constant in both narratives was his steady identification of Jewish law with Jewish (*in casu* Israelite) life

32 Ibid., 1335–1336. NB: In the entry 'Rabbinismus' Max Joseph had taken a much less apologetic stance, using the term as a neutral historical category rather than a pejorative theological label. Ostensibly relying on the work of Ludwig Philippson, Abraham Geiger and George Foot Moore's *Judaism in the First Centuries of the Christian Era* (1927–1930), he sketched its *Werdegang* as the 'real' successor to 'so-called Mosaismus,' dominant from the days of Ezra until the threshold of modern times, occasionally threatened by Karaism, Kabbalah, Chassidism and radical Enlightenment (also Wiener's favourite villains), and always transforming the original revelation in line with Jewish cultural growth; vol. 3 (1930), cols. 1214–1217.

33 Max Wiener, "Tradition und Kritik im Judentum," in *Protestantismus als Kritik und Gestaltung*, ed. Paul Tillich (Darmstadt: Otto Reichl Verlag, 1929), 347–407.

and mores. We have seen how Semitic custom was absorbed into patriarchal rite and, eventually, into Mosaic law; how Judah's exile, to compensate for the loss of political footing, had transformed religious custom into binding law; how the post-exilic leadership, in an attempt at safeguarding the new religious mentality, had founded a theocracy supported by an apparatus of legal professionals; and finally, how the Sages, once Jewish sovereignty had come to an end, had turned this political legacy into a lasting religious mindset by bringing all of Jewish life under God's all-embracing law. What De Wette had dismissed as "eine verunglückte Wiederherstellung des Hebraismus" (a wrecked [rabbinic] rehabilitation of [Old Testament] Hebraism)³⁴ was now presented as an organic consolidation of indigenous Jewish religiosity.

One easily discerns how, as a belated answer to De Wette, Wiener's account of Jewish law mirrors Friedrich Carl von Savigny's early nineteenth-century notion of legal evolution.³⁵ Writing under the influence of German Romanticism, von Savigny had postulated a three-stage development of national law, starting with an early period dominated by direct law, lived and practised by the community without any judicial intervention (the time of the patriarchs, in Wiener's entry). This organic harmony was followed by a middle state, in which living law and its formal redaction went hand in hand (as exemplified by the Book of Deuteronomy) and was concluded by an era in which positive law evolved into an independent discipline and became the exclusive domain of expert professionals (*viz.* the post-exilic Judean theocracy). It had been up to the sages to go one step beyond von Savigny's linear scheme and close the circle by amplifying the law with the help of local folklore and reintegrate the result into everyday Jewish life.

Wiener recapped this final move first as "Talmudic-rabbinic religiosity" and, further down the line, as simple but adequate "tradition."³⁶ Only recently, he concluded, Jewish Reform had rediscovered this authentic national treasure, using philosophy and historical criticism to strip it of its canonical status and subordinate it to personal will and piety. Thus, as in Max Joseph's lemma, a compromise was struck between Jewish nomism and moral autonomy, and between collective religion and private faith. Unlike Joseph, however, Wiener

34 De Wette, *Biblische Dogmatik*, 116–117.

35 Friedrich Carl von Savigny, *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft* (Heidelberg: Mohr & Zimmer, 1814). For its impact, see e.g. Benjamin Lahusen, *Alles Recht geht vom Volksgeist aus: Friedrich Carl von Savigny und die moderne Rechtswissenschaft* (Berlin: Nicolaische Verlagsbuchhandlung, 2012).

36 In the entry "Tradition" Max Joseph endorsed Wiener's view that oral law had preserved old but vibrant folk traditions and as such served as a corrective of the rigid letter of the law (comp. De Wette's *Buchstabenwesen*); vol. 4 (1930), cols. 1027–1029.

chose to present this form of religiosity as a typical correlate of the Jewish way of life, a historical, and therefore mutable, manifestation of the “idea of [...] a culture of Judaism” that was the central, if elusive, topic of Herlitz and Kirschner’s *Jüdisches Lexikon*.

In presenting Judaism as the point where the moral content of law, religion and philosophy met, the *Lexikon* offered its readers a pretty consistent programme. Wiener’s lemma on ‘Sittlichkeit’ (morality), for example, was the mirror image of his entry on religion.³⁷ Once more he grasped the opportunity to tackle the Christian prejudice against Rabbinism, this time by turning Judaism’s focus on *Versetzlichung* into a moral imperative and stressing its compatibility with the Kantian insistence on the “Sinn des Guten in seiner idealen Bedeutung für den Willen des Menschen” (the sense of the Good in its ideal relevance for the human will). A crucial role was set aside for revelation, as the moment when divine purpose and human will had met in their joint ambition to establish and do what is good.³⁸ The separation of religion and ethics, Wiener stressed, was a late phenomenon; in God’s commandments, we still witness the original convergence of law, sacral claims, and ethical rule. The essence of this ancient religious formation, he concluded, was fully consonant with modern moral cosmopolitanism. Refuting the cliché of the Jewish double standard (under explicit reference to Weber’s *Innen- und Außenmoral*) he showed how Jewish law was built around principles of charity and social justice. Humanism, he argued, was its timeless substance, national theocracy its transitory, political form. In Wiener’s moral universe, the individual, the Jewish collective, and all of humanity were thus connected (rather than divided) by Talmudic-rabbinic law.

Volume two of the *Lexikon* included a short entry on “Gesetz,” in which Jewish law and Jewish religion became completely synonymous.³⁹ Tracing back its etymology, via the Septuagint translation *nomos*, to the Hebrew concept of *Torah*, Wiener once more pointed out that the term *Gesetz* captured the essence of a Jewish religion that centred not on obedience, but on

37 Vol. 4.2 (1930), cols. 451–465.

38 In his entry “Offenbarung,” Wiener did not capitalize on this interpretation of revelation as a moral encounter, which in secular, Kantian terms was utterly contradictory. Here he simply addressed the fraught relationship between revelation as the supra-natural origin and essence of religious knowledge on the one hand, and the modern scientific epistemology on the other; vol. 4.1 (1930), cols. 554–555. NB: Wiener’s moral interpretation of revelation conflicted with Max Joseph’s definition of ‘Bund’ (covenant) as a purely legal transaction, the moral realization of which was later effectuated by the prophets; vol. 1 (1927), cols. 1231–1234.

39 Vol. 2 (1928), cols. 1104–1106.

teaching action and moral probation. Alternating between writ and orality, its Mosaic-Talmudic foundations were an organic unity of ceremonial, ritual, social, and ethical ordinances (Wiener's failure to mention its common, civil, public and private legal applications is quite revealing here). Once again divine revelation guaranteed its lasting validity as a moral-religious package deal: a law that had not been ratified by humankind could never be nullified by humankind, Wiener argued.⁴⁰ Grotius' famous dictum that there was also such a thing as natural law, self-evident even *without* the intervention of a caring God, apparently had no place in Wiener's definition of Jewish law as the source of ethical voluntarism.⁴¹



Navigating between God and Kant, between Paul and the Pharisees, between tradition and biblical criticism, and between moderate Reform and temperate Zionism, the *Lexikon* sought to construct an idea of Judaism that was appealing to a dual readership: the liberal Protestant and the assimilated Jew. Its insistence on justice and accountability will have helped its readership to position Jewish 'legalism' vis-à-vis the Christian ethos of love and grace. Its idea of Jewish law as national cultural heritage provided the individual Jew with at least some form of communal backdrop. Its emphasis on the law's inherent humanism bridged the gap between national theocracy and universal values. In postulating divine origins, it endowed the law with lasting validity, despite the lack of land and state. And finally, through its stubborn refusal to accept the enlightened separation of religion and morality, it tackled the eternal tension between collective obedience and personal choice. As I hope to have shown in the preceding paragraphs, in each of these dilemmas the idea of a transcendent law, adapted and transmitted by generations of worldly scholars, not only constituted the problem, but also provided the key to the solution.

Franz Kafka, author of iconic stories on the law and its autonomous logic, did not live to see the publication of the *Jüdisches Lexikon*. He did, however,

40 In the entry "Recht" legal scholar Marcus Cohn (1890–1952) gave an overview of Jewish law in terms of Western (Roman) legal history; vol. 4.1 (1930), cols. 1261–1275. Cohn presented Jewish law as a compromise between justice and mercy (*din* and *rakhamim*) and between human *ius* and divine *fas*. The latter (as in Latin *fas est*) nourished its antenna for the moral good. Its origins in a collective covenant with the divine ensured its validity beyond the borders of a territorial state.

41 *Et haec quidem quae iam diximus, locum aliquem haberent etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana*; in the "Prolegomena" to his *De Iure Belli ac Pacis* (1625).

make it into its literary canon. Tucked away between the entries on “Kaffer” and “Kafrurie,” his restless genius was quietly absorbed into its edifying, bourgeois agenda.⁴² Author of the entry was Max Brod, Kafka's long-time friend and (*anno 2020* contested) executor of his literary estate. In his short portrait, “Kafka, Franz, Dichter, Dr. jur. und Beamter in Prag” became a “great and singular producer of world literature.” His early poetry was of a deeply pious nature, his later work perhaps not always hopeful, but never without faith. In every detail, however laborious, Brod noticed a link with “a higher world of morality and redemption.” And even though he was a universal author, Kafka revealed his Jewishness by writing about his wrestling with God and with life as a stranger in an uncongenial world. In his later years, Brod concluded, Kafka had studied Hebrew and Talmud and was even planning to emigrate to Palestine. Piety, faith, morality, redemption, Zion: on the pages of the *Jüdisches Lexikon*, Kafka became the incarnation of the robust and moving *Glaubensmaterial* he had sought in vain in his father's house. A religious substance, one might add, that was at once Jewish, Christian, and cosmopolitan, and owed as much to Kant and Schleiermacher as it did to Moses, Hillel and Herzl.

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⁴² Vol. 3 (1930), cols. 524–525.

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