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## A STATE WITHIN A STATE

The History of an Anti-Semitic Slogan

by

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### I

I SHALL BEGIN the discussion of the theme I have chosen for this paper by quoting a passage from Dubnow's introduction to his edition of the *Pinqas*, or Register, of Lithuanian Jewry, the chronicle that records the ordinances, resolutions and directives governing the conduct of Jewish communal life in Lithuania from 1623 to 1761. All the enactments set down in the *Pinqas* represent the decisions of a central body, a council comprised of delegates of the principal communities and representative of the entire Jewry of the country, a council that normally met annually but not less than triennially. Here we have one of the classic examples of Jewish diaspora autonomy. Some even describe the phenomena as self-government, culling the term from Louis Finkelstein's book *Jewish Self-Government in the Middle Ages*. The justification, if at all, for the use of the term stems from the fact that several functions normally discharged in modern society by the government, namely, administration of justice, policing, economic control, etc., were performed by Jewish bodies themselves. At all events, historians have voiced their opinions on this phenomenon; they have searched for sources and examined the pertinent documents, and each historian has formed his own appraisal of it, influenced, no doubt, by his particular outlook. We shall quote Dubnow's views, expressed in 1925, on the occasion of his publication of the Register of Lithuanian Jewry:

At first sight, it seems possible to state that 'the sceptre never departed from Israel', but merely shed one form and assumed another... The kingdom was destroyed — the body-politic dismembered into separate communities... [but] these commu-

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nities preserved their autonomy and each became a national entity in every locality.<sup>1</sup>

These remarks naturally reflect Dubnow's own, well-known approach to Jewish diaspora autonomy as being the secret of Jewish survival and, as he himself believed, of their national destiny.<sup>2</sup> For our present purpose, we find a greater interest in the remarks that follow. They constitute a reply to the attacks of the anti-Semites who looked upon Jewish survival as a thorn in their sides. I quote:

In all generations, our enemies cry out: 'There is a certain people scattered abroad and dispersed among the peoples and their laws are diverse from those of every other people' [Esther iii:8], and this, in recent generations, has been called a state within a state. And all this time, the community of Israel traverses its historic path, declaring: 'Indeed, a state within a state, an internally autonomous group existing within an outer group, the state; and so, by nature, it should be . . .'<sup>3</sup>

Dubnow here wanted to say that the modern accusation against the Jews was merely a new formulation of an ancient charge levelled against them by the Biblical Haman. And, indeed, there is good reason for stressing the historical continuity of the antagonism towards diaspora Jewry from the very time of its emergence. Yet, if such a presentation is to yield genuine historical understanding, it must first distinguish between the many diverse expressions of antagonism as they changed from generation to generation. By its very nature, the phrase 'a state within a state' cannot stem from Haman's days. It first came to light in a particular location and at a precise moment, and, like every other innovation, its emergence was not accidental, nor was its novelty lacking in special significance. When, then, did the expression arise? What was new about it? What was its significance? It is with these questions that we shall concern ourselves in this paper.

## II

In seeking an answer to these questions, we are immediately confronted by the fact that the expression 'a state within a state' does indeed appear frequently in anti-Semitic literature, but that it is by no

- 1 S. Dubnow, *Piḡas ha-Medīnah*, Berlin 1925, p. xi (Hebrew).
- 2 B. Dinaburg, 'Shim'on Dubnov', *Zion*, I (1936), pp. 118-128 (Hebrew); N. Rotenstreich, 'On Dubnow's Nationalism', *Simon Dubnov In Memoriam*, ed. S. Rawidowicz, London-Jerusalem 1954, pp. 136-142 (Hebrew).
- 3 S. Dubnow, *Piḡas ha-Medīnah*, p. xi.

means confined to that literature alone. In historical and journalistic writing, the term is applied to other situations in all European languages; thus we find: 'Etat dans l'Etat', 'Staat im Staate', 'a state within a state', and, in eighteenth and nineteenth century literature, in its Latin equivalent, *status in statu*. The formula seems self-evident. Indeed, it was so common that few made the effort to find out where and when it originated.

One source is given in Littré's large French dictionary, and this reappears in all editions of Büchmann's *Geflügelte Worte* up to and including the 1958 edition. A growing interest in the phrase is perhaps indicated by the additional information inserted in the 1960 edition of the work, which we shall discuss later. Yet all this amounts to little more than a casual reference to the sources of the formula, and no mention is made of its anti-Semitic context.

At first sight, it would seem that an analysis of the precise meaning of the term would yield some clue to its origin. For what does 'a state within a state' really mean? The expression implies that no body or institution has the right to arrogate to itself such powers as are the prerogative of the state. Yet the denial of such powers to bodies or institutions within the state could only be conceived once the demand of the modern state to the exclusive possession of certain rights had become crystallized, in other words, once the concept of the absolute sovereignty of the state had come into being.

'A state within a state' expresses negatively what the term 'sovereignty' denotes positively. Accordingly, one would expect the phrase to appear alongside the term sovereignty in the writings of Bodin, Grotius and Pufendorf, who developed the concept of the modern state. Yet we shall search their writings in vain for our phrase, there being only a single exception, which we shall deal with later. Neither can the term be discovered in modern works on political science.

Nevertheless, our assumption that the term belongs to the same frame of reference as the concept of sovereignty is basically correct. The relationship between the two is explicitly stated in the first and only source where the formula is expressly defined, the *Institutions politiques* by Baron de Bielfeld, published at The Hague in 1760.<sup>4</sup> A native of Hamburg, de Bielfeld was employed in the service of Frederick II of Prussia. Like his master, he wrote most of his books in French, and drew for the most part upon French literary sources. The work mentioned here is devoted to political science. Basing himself on Pufendorf, de Bielfeld defines sovereignty, in paragraph 22 of his first section,

4 [K.] de Bielfeld, *Institutions politiques*, I, The Hague 1760.

as 'the absolute prerogative [pouvoir] to direct the will [volontés] and actions of all members of a politic body for the good of the state.'<sup>5</sup> Hence it follows that the sovereign is completely independent. His authority stands above all human or civil law; it is holy and inviolate; and it possesses other attributes of a similar character.<sup>6</sup> Proceeding from this definition, the author then draws this conclusion in paragraph 23:

These attributes reveal to us how devoid of understanding and how dangerous it is to allow the operation, in any régime whatever, of what statesmen commonly refer to as *status in statu*. They point to the disastrous consequences of a sovereign allowing any other authority, be it ecclesiastical or civil, a particular society or guild, to exercise legal or coercive power over a section of the subjects of a state, when this power should have been reserved to the sovereign alone.<sup>7</sup>

According to this view, the sovereign should never suffer any organization or society to impose laws, and enforce obedience, upon its members. In the course of his observations, de Bielfeld cites, as an example, the Inquisition in Spain, Portugal and other countries. The case is obviously an extreme one, since the Inquisition wielded considerable judicial power wherever it functioned, and there was every justification for calling it 'a state within a state'. But de Bielfeld's definition extended to institutions in possession of much more circumscribed powers, which existed in every land of the *ancien régime*. We shall later revert to the question as to what is really covered by de Bielfeld's definition of *status in statu*. First, however, we must proceed to search for his source. As has been stated, his paragraph 22 derives from Pufendorf, whereas in paragraph 23 he mentions generally 'de ce que les Politiques nomment *Status in Statu*'. He was not, therefore, relying upon any specific source and merely asserted that

<sup>5</sup> *Ibid.*, p. 24. For the German version of this quotation, as well as for the other passages quoted below, see the German edition of de Bielfeld's work, *Lehrbegriff der Staatskunst*, Breslau-Leipzig 1761, pp. 52-54.

<sup>6</sup> *Loc. cit.*

<sup>7</sup> *Ibid.*, pp. 29-30: 'Ces caractères nous font connoître combien il est déraisonnable dangereux de permettre, dans un Gouvernement, l'Introduction de ce que les Politiques nomment *Status in Statu*. Ils entendent par là cet abus insigne qui a lieu quand le Souverain tolère qu'une autre Puissance, soit Ecclesiastique, soit Civile, ou même quelque Société particulière, quelque Corps de Métier, exerce sur une partie des Sujets de l'Etat un pouvoir Législatif & Coactif, qui ne doit être réservé qu'au Souverain seul.'

the term was commonly used by those concerned with politics. His remarks point to the background of the emergence of the term and define its nature. What we are dealing with here, then, is a political slogan dressed up as political science. The phrase 'a state within a state' purports to declare that the target of the slogan conflicts, by its very existence, with the nature of the state. The slogan acquires its power of suggestion from its apparently impregnable logic. Yet there is in reality no logical necessity to deny the right of jurisdiction and coercion to institutions, organizations or churches in the state. The position always depended on historical circumstances, on human attitudes and evaluations, and these changed from generation to generation and from person to person. What appeared as 'a state within a state' to one individual did not necessarily appear so to another. The formula, which might not have applied to a given situation yesterday, may well appertain to it tomorrow.

To validate our thesis, let us now examine the targets at which the slogan was aimed in the first years following its emergence. At that time, its specific reference was to the right of the French Huguenots to the concessions granted them by the Edict of Nantes. Modern historians are fond of defining the situation created by the promulgation of the Edict as 'a state within a state'.<sup>8</sup> For the Huguenots were not only granted freedom of worship and permission to maintain their own religious institutions, but were even allowed, in the cities they held, to control the civil and military administration. This situation the upholders of central government found quite intolerable. The political factor involved here strengthened Catholic fanaticism and led Louis XIV, then at the zenith of his power, to revoke the Edict of Nantes. In the protracted struggle, which lasted for over eighty years, the claim of the state to absolute sovereignty occupied a central position in the battle of ideas. Here, then, is the background for the coining of the term. It appeared, according to the dictionary we have referred to earlier, for the first time in 1620, in one of Agrippa d'Aubigné's historical works. Yet, many years were to elapse before the term became a popular catch-phrase.<sup>9</sup>

Some historians ascribe the use of the term also to Richelieu.<sup>10</sup> True, his political testament does contain two sentences close in spirit to the

<sup>8</sup> E.g., G. Pugès, *La monarchie d'Ancien Régime en France*, Paris 1952, p. 20.

<sup>9</sup> G. Büchmann (*Geflügelte Worte*, Berlin 1961, p. 615) also gives Spinoza's *Ethics* (beginning of Book III) as a source: 'Plerique . . . hominem in natura veluti imperium in imperio concipere videntur,' but this form of the expression is not common.

<sup>10</sup> E.g., A.J. Grant, *The Huguenots*, London 1934, p. 100.

idea expressed by the slogan. But the wording is very different.<sup>11</sup> From this fact it may be inferred that, in his time, the end of the 1630s, the slogan had not, as yet, achieved any popularity. Some twenty-five years after the event, Saint-Simon described what had led to the revocation of the Edict of Nantes, as follows:

Le Roit étoit devenu devot . . . A la dévotion se joignit la politique. . . On lui peignit les huguenots avec les plus noires couleurs; un Etat dans un Etat, parvenu à ce point de licence à force de désordres . . .<sup>12</sup>

It is doubtful whether we should give credence to his evidence and assume that the slogan was one of the factors persuading the king to revoke the Edict. This may be a mere *post factum* conjecture. At all events, it is quite clear that the situation of the Huguenots in France could be exploited for the purpose of asserting the sovereignty of the state, for claiming that no state within a state could be permitted to exist. Once the slogan had gained currency, it was applied indiscriminately to other institutions and organizations that did not, in fact, seem to encroach upon the authority of the state in which they had their existence.

The first such victims were the Jesuits. They had participated actively in the agitation against the privileges enjoyed by the Huguenots. Later, times changed. Zeal for Catholicism waned, and the state asserted its claim, ever more strongly, to be the sole institution entitled to direct the affairs of its subjects. The two trends were supported by rationalistic philosophy, which kept spreading to wider and wider circles, ever since the end of the seventeenth century. That this process cooled religious fanaticism need hardly be stated. But the philosophers discovered other reasons as well for objecting to the interference of the Jesuits in matters affecting the very existence of the state. They believed that the state should exercise its sovereignty to the very limit. Diderot's *Encyclopédie*, which began to appear in 1751, emphatically endorsed and promoted this view.<sup>13</sup> And the Encyclopedists directed their criticisms not against the state, or even, for the most part, against the monarchy, but against the intermediate bodies, the corporations and orders, which were under the protection of the state, but limited

<sup>11</sup> . . . les Huguenots partageaient l'Etat avec Elle [Sa Majesté]; L. André (ed.), *Testament Politique du Cardinal Richelieu*, Paris 1947, p. 93; see also p. 100.

<sup>12</sup> M.M. Chéruel & A. Regnier (eds.), *Mémoires du Duc de Saint-Simon*, XII, Paris 1887, p. 105.

<sup>13</sup> E. Weis (*Geschichtsschreibung und Staatsauffassung in der französischen Enzyklopädie*, Wiesbaden 1956) gives a comprehensive summary of the Encyclopedists' political views.

the individual's freedom of action and development.<sup>14</sup> Hence the support for the abolition of these intermediate organizations; and the Jesuits were the first to suffer; they were expelled in 1764.<sup>15</sup> Their actions had, for some time, aroused sharp controversy. The Order had become the topic of animated discussion both in official institutions, such as the parliaments, and in the forums of the general, enlightened public. All manner of accusations were hurled against them. One of the reasons advanced in favour of their expulsion was that the existence of their order was incompatible with the absolute sovereignty of the state. One writer argued that 'dans le sein de l'Etat, se sont formé un empire',<sup>16</sup> another that the members of the Order possess 'au sein de la France une autre patrie et un autre souverain'.<sup>17</sup> The king's deputy, the Procureur Général du Roi, who presented the case against the Jesuits in the parliament of the Provence, bluntly declared 'il est vrai que la Société forme dans chaque Etat un Etat séparé'.<sup>18</sup> Here we find the term used explicitly and in its exact sense. At about the same time that the Jesuits were expelled from France, they were banished from other countries as well: from Portugal in 1754, from Spain in 1767, from Parma and Naples a year later. In 1773 Pope Clemens XIV dissolved the Order. Public opinion simply and effectively attributed their fate to their having 'constituted a state within a state'.

In the ensuing generations, the fate of the Jesuits was mentioned in connection with another group that was likewise charged with forming a state within a state. This was the Order of the Freemasons. Their lodges, modelled on the English prototype, began spreading through Europe in the 1730s. They soon encountered the opposition of the Catholic Church and other conservative elements. The latter tried to enlist the arm of their governments against the Freemasons, who, after all, did constitute a semi-secret society.<sup>19</sup> Suspicion, therefore, that they were undermining the existing order fell easily upon them. The argument that they were a state within a state was used against them from

<sup>14</sup> *Ibid.*, pp. 195-197, 210-213.

<sup>15</sup> On the Encyclopedists' opposition to the Jesuits, see *ibid.*, pp. 196, 209.

<sup>16</sup> *Mémoire sur les demandes formées contre le général et la société des Jésuites*, Paris 1761, pp. 3-4.

<sup>17</sup> *Sur la destruction des Jésuites en France*, Paris 1765, p. 6.

<sup>18</sup> *Plaidoyer de M. de Ripert de Monclar, Procureur Général du Roi au Parlement de Provence dans l'affaire de soi-disans Jésuites* [undated], p. 190. According to [J. A. Starck.] *Apologie des Ordens der Frey-Männer*, Berlin 1950, p. 50, the Paris Parliament also used the argument that the Jesuits constituted a state within a state as the ground for their expulsion, but I have not found any confirmation in the sources.

<sup>19</sup> Details are given in my *Freemasons and Jews*, Jerusalem 1968, Chap. II (Hebrew; an English version is due to be published shortly by the Harvard University Press).

the sixties onwards.<sup>20</sup> And it was argued, by analogy, that they, too, deserved to be expelled.<sup>21</sup>

The fact that the same treatment was not meted out to the Masons shows that the concept of state sovereignty was not uniformly interpreted. The principle was carried into practice where it was supported by ideological attitudes and social factors; where it was not so supported, the state graciously waived its claims to absolute sovereignty. In lands where Catholicism held decisive sway, as in Spain, Italy and elsewhere, the lodges were prevented from striking root.<sup>22</sup> In Central and Western Europe, however, all arguments against the Masons proved completely ineffective. Some faint report reaches us to the effect that the Danzig Senate in the sixties forbade masonic lodges to exist and that this action was justified on the grounds of the Order being a state within a state.<sup>23</sup> The Order of the Illuminati was proscribed in Bavaria in 1786.<sup>24</sup> The latter, however, was a revolutionary, secret society, which went far beyond the Freemasons in its political goals.<sup>25</sup> Elsewhere, masonic lodges flourished and were, at the worst, subjected to some sort of supervision, as in Austria from 1786 onwards.<sup>26</sup> In Prussia, Frederick II himself became an active Mason, and, in France, the government closed its eyes to masonic activities, making no attempt either to restrict them or to exercise supervision over them.

The advantage of the Masons over the Jesuits lay in the fact that they represented the expression and embodiment, as it were, of the spirit of the times. In questions of faith and doctrine, they inclined mostly

20 The first edition of Starck's work (see above, n. 18) was published in 1770. He took issue with an author who had, in 1763, described the Freemasons as being 'a state within a state'; *ibid.*, p. 49. Similarly C. H. L. Plumenoek (*Geoffenbarter Einfluss in das allgemeine Wohl der Staaten der ächten Freymäurerey*, Amsterdam 1777, pp. 75-77) attempted to show that the accusation of constituting a state within a state, justifiably levelled at the Jesuits, did not apply to the Freemasons.

21 See previous note. In a tract published in Vienna in 1785, it was explicitly stated that the Freemasons were less deserving of mercy than the Jesuits. If the latter constituted a state within a state, the former undoubtedly did (*Sammlung aller aus Gelegenheit der k.k. Verordnung vom 16. Dez. 1785 zum Vorschein gekommenen Schriften die Freimaurerei betreffend*, Vienna-Leipzig 1786, p. 145).

22 *Allgemeines Handbuch der Freimaurerei*<sup>3</sup>, Leipzig 1900-1901, I, pp. 493-498; II, pp. 411-413.

23 Starck (*Apologie*, p. 49) refers to a pamphlet written in defence of the Danzig Senate's decision of 3 October 1763.

24 There is an entire literature on the Illuminati. The main facts are summarized in *Allgemeines Handbuch der Freimaurerei*, I, pp. 474-479.

25 R. Koselleck, *Kritik und Krise — Ein Beitrag zur Pathogenese der bürgerlichen Welt*, Freiburg 1959, pp. 74-80, 110-115.

26 Kuëss-Scheichelbauer, *200 Jahre Freimaurerei in Österreich*, Vienna 1959, pp. 65-76.

towards Deism. At all events, they liberated themselves from subservience to the dogmatic patterns of any specific Church. The lodges did, indeed, adopt symbolic patterns and concepts that, occasionally, bordered on the mystic and occult. Yet these symbols and concepts were not forced upon the brethren by any institution. They regarded themselves as partners in the quest for unknown truths or in gaining insight into hidden secrets. Socially, the lodges were the refuge for individuals who, by then, found no satisfying place for themselves within the estates into which they had been born. From all parts of the civil society and the nobility they now came together in their lodges. The prerequisite for membership in a masonic lodge was the candidate's attainment of a certain cultural level and his personal character, as judged by the standards of the environment. The qualifications were in respect of personal worth and were, in theory, not dependent upon estate or origin.<sup>27</sup> The rationalists had conjectured that human society itself had been constituted by the gathering together of individuals by free consent, and the masonic lodges seemed, in many respects, to have come into existence in an identical manner. No wonder that the Order enjoyed the ideological patronage of the philosophers. Diderot's *Encyclopédie*, which violently objected, as we have seen, to other bodies' intervening between the individual and the all-embracing state, conveniently suppressed its arguments when discussing the Freemasons.<sup>28</sup> By contrast, Protestant conservatives and, especially, devout Catholics contended that there was no more glaring example of a state within a state than the Freemason society. All conceded that no state should exist within a state. They only differed in deciding which bodies did, in fact, constitute a state within the state.

We shall, for the moment, revert to de Bielfeld's remarks once more, noting that he counted, among the groups held to possess this undesirable character, the *Corps de métier*, i.e. the merchant and craft guilds, which formed the cornerstone of the old order, but were regarded as intolerable by the philosophers and reformers.<sup>29</sup> De Bielfeld was by no means the only one to hurl the charge against the guilds (we shall, incidentally, learn of another instance later). The account of the struggle against the guilds falls within the purview of the history of the events leading to the French Revolution. Indeed, Turgot's fall from power in 1776 is ascribed to his attempt to abolish the guilds, which had subjected the individual craftsmen to their supervision and control. He

27 See my *Freemasons and Jews* (above, n. 19), Chaps. II and XIII.

28 Weis, *op. cit.* (above, n. 13), pp. 208-209.

29 *Ibid.*, pp. 208-212.

fell, but the idea of the unmediated, direct relation of the citizen to the state could not be stamped out. It gained strength in the ensuing years. In its name, the guilds were abolished during the Revolution itself, and the very structure of the estates, orders and church demolished.<sup>30</sup> Whatever had been labelled 'a state within a state' disappeared overnight. Only the State, with a capital S, as it were, remained.

## III

We began our discussion with Jewish affairs, but set them aside, for a while, in favour of other matters that were chronologically antecedent. When we recall the persistence with which the slogan 'a state within a state' was attached to Jews in later times, we are quite astonished to discover that it was directed at diverse groupings for at least fifty years before it was turned against Jews. The first to use the phrase in connection with Jews was the notorious anti-Semite François Hell. He had been implicated in the forgery of receipts by which Alsatian farmers sought, during 1778–1779, to avoid paying their debts to their Jewish creditors.<sup>31</sup> He even wrote an anonymous tract in justification of these forgeries, blackening the Jews as those responsible for dispossessing the farmers, as usurers, and as the eternal enemies of Christians.<sup>32</sup> While in all other localities Jews were considered aliens and slaves, in Alsace they had seized positions of power that had so far been unattainable to Protestants, who, after all, were Christians. 'C'est une nation dans la nation; c'est dans un grand Etat un petit Etat, puissant, qui sait protéger son sujet.'<sup>33</sup> Hell did not hold the Jews guilty of the indictment usually associated with this phrase. His contention against them was not that they usurped the functions of the state, but that they had helped themselves to what was not rightfully theirs. Nor did his arguments lead him to the conclusion that Jews were obliged to integrate themselves into their environment, but instead that they should be expelled. Consistent with his views, Hell did not retain the usual connotation of the expression. He gave it a new complexion by variation ('a nation within a nation') and paraphrase. The use of the term in its accepted sense is first found in Johann Heinrich Schulz's *Betrachtungen ueber Theologie*

30 For the course of the events, see F. Olivier-Martin, *L'organisation corporative de la France d'Ancien Régime*, Paris 1938, pp. 510–557.

31 See H. Graetz, *Geschichte der Juden*, XI, Leipzig 1900, pp. 58–59; Z. Szajkowski, *The Economic Status of the Jews in Alsace, Metz and Lorraine (1648–1789)*, New York 1954, pp. 129–135.

32 [Hell,] *Observations d'un Alsacien sur l'affaire présente des Juifs d'Alsace* (Frankfort [Strasbourg] 1779).

33 *Ibid.*, p. 101.

und Religion ueberhaupt und ueber die juedische Insonderheit, published in 1784.<sup>34</sup> Schulz was a rather odd individual, a Protestant priest who subscribed to heretical views and who anonymously published atheistic works.<sup>35</sup> His position involved him in a controversy with Mendelssohn. Mendelssohn had taken part in the public debates evoked by Christian Wilhelm Dohm's work *Über die bürgerliche Verbesserung der Juden*, which came off the press between 1781 and 1783<sup>36</sup> and placed the problem of Jewish citizenship squarely in the public eye. Mendelssohn held that the state was duty-bound to grant equal status to all citizens without any distinction of religion, whether Jewish or Christian. He excluded atheists, however, from the rule, since the state should not tolerate faithless individuals in its midst.<sup>37</sup> This view brought down upon him the anger of the sworn atheist, Schulz, who contended that the case should be reversed: There was no reason to deny citizenship to atheists, who fulfilled their obligations towards state and society in accordance with the dictates of natural morality and reason. Jews, however, were different. They excluded themselves from the rest of mankind by their adherence to the Mosaic code, which set up a barrier between the Jewish people and other nations.<sup>38</sup> To acquire citizenship, Jews should be required to abandon their religion, which rendered them morally suspect in the eyes of the rest of the citizenry.<sup>39</sup> He had some harsh questions to address to the Jews: 'Why did they insist on remaining a people apart, refusing to mix with any other people that did not trace its descent back to Abraham? Why did they seek to constitute a state within a state?'<sup>40</sup>

A second author whom I have discovered using the slogan against Jews was Père Grégoire in his famous tract *Essay sur régénération physique et politique des juifs*.<sup>41</sup> This work was to answer the question, posed by the Metz Royal Society for the Promotion of the Arts and Sciences, namely 'Were there means available for increasing the happiness of French Jewry?' The question and the answers (among them

34 Schulz's work was published anonymously in Frankfort–Leipzig in 1784 and reprinted in a second edition in 1786. The quotations and references follow the second edition.

35 *Allgemeine Deutsche Biographie*, XXXII, pp. 745–747.

36 Ch. W. Dohm, *Über die bürgerliche Verbesserung der Juden*, Berlin 1781–1783.

37 M. Mendelssohn, *Gesammelte Schriften*, Leipzig 1843, III, pp. 286–287.

38 J. H. Schulz, *Betrachtungen über Theologie und Religion*, pp. 121–153, 161–169, 182–183, et alibi.

39 *Ibid.*, pp. 218–223.

40 *Ibid.*, p. 222.

41 The book appeared in Metz in 1789, but had already been awarded a prize on 23 August 1788.

Grégoire's essay) it elicited were a French edition, as it were, of the discussions occasioned by Dohm's and Mendelssohn's writings on the civil improvement of the Jews. Echoes of the controversy, which began in Berlin, are clearly audible in writings appearing in Alsace and Paris.<sup>42</sup> Grégoire became involved in the same cycle of discussion and debate as Schulz, though it is very doubtful whether he was aware of the existence of Schulz's book. At all events, the position adopted by Grégoire was altogether different. He was in favour of the changes proposed by the Berliners, but only for the future. As for the present, he found the position of the Jews especially degenerate. Here is an excerpt revealing his appraisal of contemporaneous Jewry:

Le Juif repandu par tant, et fixé nulle part, n'a gueres que l'esprit du corps qui n'est pas l'esprit national; voilà pourquoi, comme on l'observe communément, à Londres il n'est pas anglais, ni hollandais à la Haye, ni français à Metz; c'est toujours un état dans l'Etat, parcequ'il n'est jamais traité comme fils de la patrie.<sup>43</sup>

No suggestion of any animosity or accusation is evident in the use of the term here. The blame for the Jews' constituting a body separate from the state did not attach to them but to their environment.<sup>44</sup> The introduction of the popular slogan 'état dans l'Etat' in a Jewish context here might have been quite unintentional. In truth, Schulz's remarks give no indication either that he was aware of an innovation in using the term. In his case, too, there is a complete absence of any particular emphasis on the application of the formula to Jews.

A more pointed use of the slogan occurs in a third source, an article in a 1791 issue of an obscure periodical, the *Monatsschrift von und für Mecklenburg*, entitled 'Etwas über die Juden und ihre Reception'. One section opens with the assertion: 'The Jewish people always constitute a state within a state.' The thesis is reinforced by the argument that Jews do not intermarry with the other inhabitants and keep themselves apart from others by their food and drink. The festivals they celebrate are not observed by anyone else, and they are regulated by a different legal system, with which only the Jewish Rabbi, as opposed

42 See A. Cohen, 'L'émancipation des Juifs, devant la Société Royale des Arts et des Sciences de Metz en 1787 et M. de Roederer', *REJ*, 1, (1880), pp. 83-104; A. Hertzberg, *The French Enlightenment and the Jews*, New York 1968, pp. 297-299. The book was published after this paper had been written.

43 [H.] Grégoire, *Essai*, Metz 1789, p. 110.

44 For Grégoire's motives and standpoint, see Hertzberg, *op. cit.* (above, n. 42), pp. 264-266, 334-336.

to the state judges, is familiar. These laws even permit Jews to cheat members of another religion, at least indirectly.

In the *Journal von und für Deutschland* (1790, p. 290) an anonymous author directed his attention to the aim of Jewry, which he described as being 'in dem Staat wo sie geduldet wird einen heimlichen Staat unter sich zu bilden'. Replying in *Der neue deutsche Zuschauer* (1791, p. 270), a Jewish anonymous author branded the argument that Jews constituted a state within a state a grave charge, not to be levelled without proof, and that there was not a shred of evidence in the case of the Jews.

Clearly, the formula had now begun to be applied to Jews, but this had not yet become a common practice. This fact can be proved quite incontestably.

In 1791, K.V.Fr. Grattenauer's first work, an openly anti-Semitic book, entitled *Über die physische und moralische Verfassung der heutigen Juden*, appeared. In a side-note, he touched incidentally upon the hierarchy of the priesthood and noted, with satisfaction, that its legislative and executive powers had been abolished, and the state within the state suppressed.<sup>45</sup> Grattenauer, then, was perfectly familiar with the term, but it did not occur to him to apply it to Jews. This he did in his second book, *Wider die Juden*,<sup>46</sup> written some twelve years later and under the influence of the person who, more than anyone else, is responsible for applying this slogan specifically to the Jews, namely, Johann Gottlieb Fichte.<sup>47</sup> Fichte's remarks in this regard were included in his *Beitrag zur Berichtigung der Urtheile des Publikums über die französische Revolution*, written in the fourth year of the French Revolution, in 1793. The work was published anonymously, and its radical ideas aroused no little storm.<sup>48</sup> The paragraph referring to Jews also gained immediate attention, and it subsequently became one of those anti-Semitic quotations that are passed on from one book to the next.

Before we examine Fichte's observation, let us once more revert to the surprising fact that so much delay occurred in directing the slogan

45 [K.W.F. Grattenauer.] *Über die physische und moralische Verfassung der heutigen Juden*, [Leipzig] 1791, p. 42.

46 Idem, *Wider die Juden*, Berlin 1803. Fichte's remarks, which we shall quote below, appear verbatim here.

47 Eve Reichmann attributed the origin of the wording 'a state within a state' to Fichte. See her *Hostages of Civilization*, London 1950, p. 60. The error may to some extent be explained by the fact that Fichte is the first to be cited as using this phrase in subsequent anti-Semitic literature.

48 H.C. Engelbrecht, *Johann Gottlieb Fichte*, New York 1933, pp. 56, 63-64.

against Jews as compared with other social groups. There was no lack of accusations against Jews. Voltaire had given full rein to his animosity, *inter alia*, in his article *Jew* in Diderot's *Encyclopédie*.<sup>49</sup> To him the Jews were riddled with faults in respect of their nature, their faith and their mode of worship. That they formed a state within a state was not one of the faults he ascribed to them. The reason for the omission is that the formula failed to describe the position of the Jews within the *ancien régime*. At that time it was universally recognized that Jews were a people apart, that their right to reside in any of the lands of their dispersion was conditional upon the consent of the ruler of that particular locality. The functions performed by their communal institutions paralleled the functions fulfilled by other corporations in the state, but their juridical basis differed radically from that of the local gentile corporations. The right of domicile possessed by the other inhabitants was not dependent upon the continuation of the present structure of the state. When the proposal to abolish the corporations was first mooted, the intention was that their members should henceforth be citizens, unhampered by any other bodies imposing restrictions upon them. The abolition of the Jewish communal institutions, however, could only have been interpreted as removing the legal basis for their residence in the particular locality, unless they were to obtain civil rights at one and the same time. Hence, had Voltaire depicted the Jews as constituting a state within a state, or had Baron de Bielfeld, in 1760, included the Jews among the other bodies at whom he hurled his charge that they constituted a state within a state, this could only have been to their advantage, rather than the reverse. The demand to put an end to the state within the state implied that the separate framework of each corporation should be eliminated, and that all its members should become individual citizens in the all-embracing state. Had Jews been included in the demand, the consequences for them would have had to be the same as for the other citizens. Such an idea would have been inconceivable both in France and Germany at the time.<sup>50</sup> Certainly,

49 On Voltaire, see H. Emmrich, *Das Judentum bei Voltaire*, Breslau 1920. Voltaire generally reflected the deistic view, as Ettinger and Liebeschütz have both recently emphasized. See S. Ettinger, 'Jews and Judaism as Seen by the English Deists of the 18th Century', *Zion*, XXIX (1964), pp. 182-207 (Hebrew); H. Liebeschütz, *Das Judentum im deutschen Geschichtsbild von Hegel bis Max Weber*, Tübingen 1967, pp. 1-13.

50 On the gradual change of attitude towards Jews, see S. Ettinger, 'The Beginning of the Change of Attitude of European Society towards the Jews', *Scripta Hierosolymitana*, VII, 1961, pp. 143-219; J. Katz, 'The Term "Jewish Emancipation" — Its Origin and Historical Impact', *Studies in Nineteenth-Century Jewish Intellectual History* (ed. A. Altman), Cambridge (Mass.) 1964, pp. 1-16.

to de Bielfeld, who had expressly voiced the opinion that Jews could, with difficulty, be tolerated in small numbers, while in large numbers they would corrupt the state, such a thought could never have occurred.<sup>51</sup> Jews, then, could not have been charged with constituting a state within a state. They formed a state *on the fringes* of the state, but not within it.

The analysis I have presented so far does not rely for its validity on logical inference alone. Historical experience, too, confirms my conclusions. During the French Revolution, the National Assembly decreed the abolition of all rights conferred, and restrictions imposed, by estates and corporations. At first sight, we should have expected this decision to affect Jews as well. Their communal institutions should also have been dissolved, and they, too, should have been accorded a status equal to that of the rest of the citizenry. Yet, as is well known, a specific legal enactment, or, more accurately, two such enactments were necessary — one for the Sephardim in the South, the other for the Ashkenazim in Alsace — in order to confer citizenship upon them.<sup>52</sup> The prejudices prevailing against Jews, which found expression in the protracted debates on their affairs, were merely incidental here. The real reason for the need for special legislation was the fact that, in the public juridical conception, they were mere foreigners granted permission to remain in the land under certain stipulations. The decision to abolish the organizational framework in which they had hitherto lived removed the old basis of their existence, but did not raise them to the status of citizens. Only special legislative action could confer this status upon them.

The application of the slogan to the Jewish situation in the eighties and nineties of the eighteenth century was no accident. From the time of the appearance of Dohm's work — which occurred simultaneously with the promulgation of the Patent of Tolerance by the Emperor of Austria, Joseph II — the discussions of Jewish affairs took account of the possibility of Jews' becoming citizens sooner or later.<sup>53</sup> The perspective had changed. At least theoretically, Jews were transferred from the outskirts of society to its midst, and the question arose as to

51 De Bielfeld, *Lehrbegriff der Staatskunst*, II, pp. 581-582.

52 The succession of events is described in all Jewish history books; extensively, in R. Mahler, *History of the Jewish People in Modern Times*, Merhaviva 1952, pp. 121-160 (Hebrew); most recently, Hertzberg, *op. cit.* (above, n. 42), pp. 339-349. M. Maignial (*La question juive en France en 1789*, Paris 1903) reached the conclusion that French Jews were not considered Frenchmen. Liber's arguments (*REL*, LXII, 1912, pp. 224-227) are merely apologetics.

53 See my article 'Jewish Emancipation' (above, n. 50).

whether they were really fit for their new position. In other words, were they prepared and fit to cast off their separate traditions and to merge with the surrounding society, or would they forever remain a religious, social and ethnic entity, a state within a state, or, in the variation which began to appear at that time, a nation within a nation? As far as Schulz and those who had adopted the current extreme negative evaluation of Jews in deistic literature were concerned, the question was only rhetorical. And the same must be said of Fichte.

Jewish affairs were only incidentally included in Fichte's book. His theme was a philosophical defence of the French Revolution, in which he justified revolution as such, i.e. the casting off of the control of the existing state by the citizens themselves.<sup>54</sup> Fichte denied the right of the existing state to the total and unconditional obedience of its citizens. He portrayed to his readers the possibility of an ever-increasing number of citizens withdrawing from the state and entering into a new civil contract with each other in accordance with natural law.<sup>55</sup> Yet would the existing state tolerate the emergence of a new state within its own borders? This would be a state within a state in the full sense of the term.<sup>56</sup> In support of his philosophic construction, Fichte now adduced a historical fact. There was nothing new in the phenomenon of one state within another, since existing states had suffered such bodies to exist in the past, and no one had uttered a word of protest. And here Fichte enumerated the bodies that could, on account of their organizational structure, be described as states within the state: the army officers' corps, the nobility, the Church (the Protestants to a lesser, the Catholics to a greater, extent), the craftsmen's and artists' guilds.<sup>57</sup> And Fichte cited the Jews as surpassing them all. 'A mighty state stretches across almost all the countries of Europe, hostile in intent and engaged in constant strife with everyone else... This is Jewry.'<sup>58</sup> The hatred of the Jew by the entire human race stemmed from the Jewish national heritage and religion. The Jew considered himself superior to the rest of mankind on account of pride in his descent. He had isolated himself from the rest as the result of the commandments

54 The quotation is from the first edition: [J.G. Fichte,] *Beitrag zur Berichtigung der Urtheile des Publikums über die Französische Revolution*, Berlin 1793. His views, at this stage, have been analysed by M. Glücksohn, *Fichte's Staats- und Wirtschaftslehre*, Bern 1910, pp. 42 ff.

55 Fichte, *op. cit.* (above, n. 54), pp. 155-186.

56 *Ibid.*, pp. 186-187.

57 *Ibid.*, pp. 191-196. In his attitude to the abolition of the corporations' right of existence, Fichte comes close to the view of de Bielfeld.

58 *Ibid.*, p. 188.

of his religion. Since he did not admit to any brotherhood existing between him and others, he deprived them of their livelihood by resorting to deceit and guile.<sup>59</sup> 'Are you not reminded here of a state within a state? Does the obvious idea not occur to you that the Jews constitute citizens of a state to which you do not belong, a state that is sounder and stronger than all of yours? If you grant them civil rights in your state as well, they will trample all your other citizens under-foot.'<sup>60</sup>

In casting his glance to the future, to the time when Jews would acquire civil rights, Fichte clearly shows that when he included the Jews among the bodies that were states of their own, he had before his eyes, as did Schulz, the Jews who had moved away from the fringe in the direction of the centre of society. The new Jewish aspirations had evoked this hostile reaction in him. In a note to his remarks on Jews, Fichte testified that he had never been harmed by Jews, that he had refrained from establishing any contact with them, and that hatred and intolerance were far from his heart.<sup>61</sup> We have no reason to doubt the substance of his testimony. And, if true, his remarks are all the more significant as an expression of an idea free from any personal considerations. Fichte had become imbued with the traditional anti-Semitic attitude. Not for nothing was the title 'Eisenmenger der Zweite' given to him by the Jewish author Saul Ascher.<sup>62</sup> Yet, as Ascher realized, Fichte's attitude was not a mere repetition of the notorious Christian anti-Semitism of Eisenmenger, but a different manifestation conforming to the newer philosophic and sociological teachings.<sup>63</sup> For our purpose, it is sufficient to pay attention to the radical implication of the phrase, 'a state within a state', in Fichte's view. Jews were striving to become part of the state, but were not fit for citizenship on account of their character and nature. Since conversion would not, in the eyes of the philosopher, be a remedy, as Eisenmenger the theologian thought it would be, the Jews were now depicted as a dangerous sub-group, incurably corrupt and corrupting.<sup>64</sup>

59 *Ibid.*, pp. 188-190.

60 *Ibid.*, p. 190.

61 *Ibid.*, pp. 190-193.

62 S. Ascher, *Eisenmenger der Zweite*, Berlin 1794.

63 Ascher took note of Kant's remarks on Jews and Judaism and concluded correctly that the latter's writings, too, reflected a new attitude, devoid of personal hatred, but, nevertheless, completely negative (*ibid.*, pp. 34-79).

64 Later in his life, after he had made the acquaintance of Jews in Berlin, Fichte changed his opinions on the nature of the Jews and their future; see J. Levy, *Fichte und die Juden* [Berlin 1924].

Even at that time, Fichte was not alone in holding this opinion. We have already referred to Grattenauer's first book, of 1791, which was filled with animosity and accusations against the Jews, who were infiltrating into Christian society in the wake of the spreading tolerance.<sup>65</sup> Two years after Fichte's work appeared, Ernst Traugott von Kortum submitted his economic and political arguments against any broadening of Jewish rights within the state.<sup>66</sup> We shall cite one relevant passage from his work:

The *esprit de corps* of the Jews, coupled with the spirit of their theocratic laws, enables them, in every country where their numbers are appreciable, to constitute a *Status in Statu*, and this is tolerated, even though this same manifestation arouses zealous opposition elsewhere. As for the dangerous Jesuits, the fact that their Order constituted a state within a state was considered a crime. They were destroyed. Yet no one has undertaken an unbiassed study to determine whether the Jewish *Status in Statu* is not equally harmful, or even worse.<sup>67</sup>

We should bear in mind that the opponents of the Freemasons had used against them an argument *a fortiori* from the case of the Jesuits. The argument was similarly now turned against the Jews. The author, however, also adduced a direct reason for regarding Jews as a state within a state: 'According to my humble opinion, a *Status in Statu* is constituted, when a larger or smaller society within the state will, in the case of a conflict between its laws and the laws of the state, repudiate the laws of the state and only observe its own.'<sup>68</sup> This definition of the phrase aims a barb straight at the Jews. The latter were confined within their own religion and legal system, and were incapable of submitting to the authority of laws other than their own. Hence they were, indeed, a state within a state.

## IV

In Fichte's and von Kortum's application of the formula it acquired a clearly anti-Semitic connotation. Nevertheless, the authors still used the formula within some definite frame of reference, and this, as we have seen, was the attempt of the philosophers to develop a concept of the state that would exclude the intervention of foreign bodies between the citizen and its all-encompassing self. This view gained

<sup>65</sup> See above, n. 45.

<sup>66</sup> [Ernst Traugott von Kortum,] *Über Judentum und Juden*, Nuremberg 1895.

<sup>67</sup> *Ibid.*, p. 52.

<sup>68</sup> *Loc. cit.*, the note.

acceptance in the generations prior to the French Revolution, and it achieved its purpose by providing the ideological support for the destruction of the estates and orders upon which the old régime was erected. Yet this is not to say that the conception was translated into practice. Once the Revolution had subsided, a state was once more stabilized in which the citizens were contained within sub-groups that were in part reincarnations of the old estates and corporations, which had been so violently assailed in the pre-revolutionary period. Religious orders, closed circles of nobles and craft and professional unions continued to exist. In their newer manifestations, however, these bodies no longer enjoyed the power of coercion by law, and they no longer appeared to encroach on the authority of the state. The philosophic conception of the all-embracing state now became somewhat obscured or was altogether suppressed. Yet, although the philosophic idea lost ground, the slogan that it had produced remained behind. It maintained its popularity as strongly as ever and became a potent weapon, in the hands of political and social antagonists, against any who might arrogate to themselves the glory and power that belonged to the state alone. Certainly, even after the Revolution, the slogan was sporadically directed against the various groups we have mentioned. It was especially in vogue in attacks on the Freemasons, obviously because of the secret nature of the lodge activities. Yet it was hurled at the Jews more than at anyone else. It must have seemed at times as if the slogan had only been invented for the express purpose of defining the status and nature of the Jewish people.

From then onwards, the slogan was never omitted from any of the recurring public discussions of Jewish affairs. In the literary anti-Semitic controversy, in 1803-1804, the expression emerged in the writings of Paalzow,<sup>69</sup> while Fichte's passage was quoted in full by Grattenauer.<sup>70</sup> It was brought up in the deliberations of governments, as they wrestled with the problem of improving the condition of their Jewish subjects. In Prussia, the discussion continued sporadically from 1787 to 1812. The phrase was cited by an official in 1797 as the excuse for not abolishing the restrictions against Jews. At a later stage, however, the self-same formula was adduced to support a proposed reform.<sup>71</sup>

<sup>69</sup> 'Die wesentlichen Punkte des Judentums untergraben die Geselligkeit, sie bewirken einen Staat im Staate, und zwecken dahin ab, den Juden die Herrschaft zu verschaffen und die übrigen Bürger zu ihren Sklaven zu machen' (Ch. L. Paalzow, *Über das Bürgerrecht der Juden*, Berlin 1803, pp. 98-99).

<sup>70</sup> See above, n. 46.

<sup>71</sup> J. Freund, *Die Emancipation der Juden in Preussen*, II, Berlin 1912, pp. 123, 209, 227, 287.

Government officials in Baden sought to disband the state-wide Jewish organization in their principality, contending that it constituted a state within a state.<sup>72</sup> In 1800, the question was reviewed by government circles in Vienna whether marriages between relatives among Jews should be subject to the same restrictions as were imposed by the Catholic Church or be governed by the more lenient Jewish practice. One official argued that marriages between relatives among Jews were leading to the concentration of immense wealth in the hands of the few, and that these were becoming 'a state within a state'.<sup>73</sup> A hostile journalist, de Bonald, who was reputed to exercise considerable influence on the Emperor, introduced the slogan into the journalistic publications that appeared in advance of Napoleon's convocation of the Sanhedrin in Paris.<sup>74</sup> It goes without saying that, as German nationalism began to assert itself more powerfully after the fall of Napoleon, the propagandists seized upon the formula to justify their claim that the rights granted the Jews during the French hegemony should now be revoked.<sup>75</sup>

Even more important than the growing frequency with which the formula was reiterated, were the various forms it now began to assume. 'A nation within a nation' appeared in Clermont-Tonnerre's famous speech to the National Assembly on 25 December 1789:

72 A. Lewin, *Geschichte der badischen Juden seit der Regierung Karl Friedrichs, 1738-1905*, Karlsruhe 1909, pp. 88-89. See also, D. I. Cohen, 'The Organizations of the "Land-judenschaften" (Jewish Corporations) in Germany During the Seventeenth and Eighteenth Centuries', Ph. D. Thesis, Hebrew University of Jerusalem, 1968, I, p. 43 (Hebrew).

73 A. F. Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien*, II, Vienna-Leipzig 1918, p. 72.

74 De Bonald, 'Sur les Juifs', *Mercur de France*, Feb. 1806, pp. 266. The expression appears in a quotation from Herder's *Adrastea*. I have not, however, found him using the term in reference to Jews. Two other contemporaneous works mention the expression: *Der Judenreformer, oder wie können die Juden vertilgt werden ohne einen einzigen Kopf abzuschneiden*, Hamburg 1805, pp. 115. Here Fichte's influence is clearly discernible, since he, too, spoke (see above, n. 60, and especially note on p. 191) of changing the opinions of the Jews by cutting off their heads. The second source is: *Europäische Staatsrelationen*, II (1808), p. 47.

75 Examples are: E. M. Arndt, *Blick aus der Zeit auf die Zeit* [Frankfurt] 1814, p. 201; L. von Dresch, *Betrachtungen über die Ansprüche der Juden auf das Bürgerrecht, insbesondere in der freien Stadt Frankfurt am Main*, Tübingen 1816, pp. 4-5, 38; C. H. Pfaff, 'Über das Verhältnis christlicher Regierungen und Staaten gegen die Juden, in dem gegenwärtigen Zeitpunkte', *Kieler Blätter*, II (1819), p. 129. The expression appears repeatedly in the publications issued during the ensuing years, and it would be pointless to enumerate all the references.

Everything should be denied to the Jews as a nation; everything should be granted to them as individuals. They are obliged to become citizens. Some argue that they do not want to be. Let them say this themselves, and let them then be expelled. It is impossible for them to be a nation within a nation.<sup>76</sup>

This formulation is obviously a derivation of 'a state within a state'.

Later, both forms were combined, as in the remarks of Moritz Arndt, the German patriot, who inspired his countrymen, in the name of the pure German-Christian spirit, to take up arms first against the French and later against all foreigners. His call naturally excluded the Jews, whom he considered as constituting 'a state within a state' and 'a nation within a nation'.<sup>77</sup> Even the original expression was detached from its original context and was assigned the newer meaning of 'a nation within a nation' without any change in the wording. We can cite the example of Heinrich Eberhard Gottlob Paulus, who crossed swords with Gabriel Riesser on the question of granting full civil emancipation to Jews. The title of Paulus's book unequivocally states its purpose: *Die jüdische Nationalabsonderung nach Ursprung, Folgen und Besserungsmitteln*.<sup>78</sup> Paulus was a liberal, both in politics and religion. Yet he contended that liberal principles were inapplicable to Jews since they had isolated themselves from the general society by their adherence to their own religion and traditions. Let us listen to one or two of his remarks in their original wording:

So lange die Nation ein eigener Verein ist oder eine Menge von Vereinen bildet, welche als eigene Nation in einer eigenen Gesetzmäßigkeit und Sittenart ausser dem bestehenden Staate stehen . . . so lange bleibt sie gerade das, wodurch sie sich selbst zurueckstellt. Sie tritt auf, wie ein durch alle Staaten hindurch sich abgesondert haltender Staat im Staate.<sup>79</sup>

Here Fichte's influence is all too clearly evident. Yet there is a clear deviation here. Fichte's emphasis on the state is now replaced by Paulus's emphasis on the nation. The wording remains the same, but the reference is clearly to the nation rather than to the state.

76 A. E. Hulphen, *Recueil des lois . . . concernant les Israélites*, Paris 1854, p. 185.

77 Arndt, *op. cit.* (above, n. 75); Pfaff, *op. cit.* (above, n. 75). Here the corresponding expression is 'Volk im Volk'; in *der Judenreformer* (above, n. 74), it is 'Nation in der Nation'.

78 Paulus's work was published in Heidelberg in 1831.

79 *Ibid.*, p. 13. On Paulus's attitude, see my article 'Jewish Emancipation' (above n. 50), pp. 19-20.

The two formulas are obviously different from each other. To Fichte's argument of 'a state within a state', Ascher had given a crushing reply: 'The Jew is as obliged to obey the laws as any other member of the state. Any extra rights or obligations specified for him in it [the law] are given by the state itself.'<sup>80</sup>

In 1794, it was still necessary to mention extra rights and restrictions. The Jews in the German states were still governed by special laws. With the passage of time, the historian Jost was able in 1830 to offer the same reply in even simpler form. That year, Father L. A. Chiarini, professor of Oriental Languages at the University of Warsaw, published his *Théorie du Judaïsme*. He argued against the granting of any civil rights to Jews as long as they did not introduce radical reforms into their religious heritage. He supported his views by maintaining, *inter alia*, that Jews conforming to their tradition constituted 'a state within a state'.<sup>81</sup> In countering this claim, Jost pointed to the practices prevailing where Jews had already been emancipated. There the Jewish community looked after its own affairs, in so far as these were religious. In everything else, they were as much subject to the laws of the state as any of the other citizens. How could there, then, be any talk of a state within a state?<sup>82</sup> Most of the writers who utilized the slogan, however, no longer accorded it its formal, political sense. Had it kept its original meaning, the phrase would, more or less, have gone out of use in the special Jewish context, as had happened in its general application. It must be, then, that in reference to the Jews, the phrase was given a new sense. It now served as the justification for denying Jews the right to remain a separate social group, engaging in easily distinguishable economic activities and evincing religious principles and a spiritual outlook inconsonant with that of the Christian majority. That Jews had concentrated certain important economic activities in their hands and therefore unjustifiably wielded excessive power was a charge that acquired even greater force and greater acceptance ever since the Jews began entering modern society. Writing in 1839, the anonymous author of *Das Verhältnis der Juden und der Christen* (Hamburg 1839) depicted Jewish commercial activity as having gained overwhelming proportions. Moreover, Jewish economic activity was conducted along different lines from that of the general community. The affluent Jews built their empires

<sup>80</sup> Ascher, *op. cit.* (n. 62), p. 88.

<sup>81</sup> The term appears in the second part of Chiarini's *Théorie du judaïsme*, pp. 107, 351, 378, 400.

<sup>82</sup> J. M. Jost, *Was hat Herr Chiarini in Angelegenheiten der europäischen Juden geleistet? Eine freimütige und unparteiische Beleuchtung des Werkes: Théorie du judaïsme par l'abbé L. A. Chiarini*, Berlin 1830, pp. 97-98.

out of Christian suffering and capital. And these empires stood outside, and not within, the social structure. In brief, Jews were nothing but a state within a state.<sup>83</sup> On another occasion, the same author described Jews by the same phrase, but for a different reason. The Jews had created their own God and morality in the image of their own Jewish character. They carried their God and morality within themselves, and they developed on their own, out of contact with all the other citizens. This separate developmental process made them forever remain a state within a state.<sup>84</sup> Here is a blatant example of how the slogan could be twisted to serve every desire to deprive Jewry of its right to exist and to develop in accordance with its own inner laws. The use of the slogan and of the parallel expressions was guided by this principle. We shall cite one more example. As is known, prominent personalities, among them learned and intelligent individuals, made some effort in nineteenth century Germany to establish a chair of Judaic studies in one or other of the universities. They gave several reasons for their request. In appealing to the University of Berlin in 1848, Leopold Zunz referred to the many distorted judgments on Judaism which had been expressed in the deliberations of the Prussian Landtag the previous year. Instruction in Jewish history at a university would, in his opinion, have been able to dispel much of the prejudice. In the meantime, however, the Revolution had compelled the Prussian government to declare that the conferring of civil rights would not depend upon adherence to any particular religion, the practical consequence of this declaration being the granting of full civil emancipation to Jews. This event was now referred to in the reply given on behalf of the university by three distinguished professors, Trendelenburg, Petermann and Boek, and a fourth, who will be famous for all time, Leopold Ranke. They claimed that, in consequence of the decree, Zunz's argument no longer held water. Jews had now ceased to form a group subject to separate laws, 'a state within a state'. They themselves had repeatedly given their assurance that they had no intention of constituting 'a nation within a nation' any longer.<sup>85</sup> It is difficult to transmit the tone underlying these observations, and I shall therefore quote them in the original:

Die Kraft dieses Grundes hat aufgehört, seit die unbedingte Gleichstellung erfolgt und verbürgt ist, seit die Zeit gekommen ist,

<sup>83</sup> *Ibid.*, p. 77. The expression appears on pp. 136, 181, 228.

<sup>84</sup> *Ibid.*, pp. 267-268.

<sup>85</sup> The incident is recounted in L. Geiger, 'Zunz im Verkehr mit Behörden und Hochgestellten', *M.G.W.A.* LX (1916), pp. 334-336; Liebeschütz, *op. cit.* (above, n. 49), pp. 64-66; M. Lenz, *Geschichte der Universität Berlin*, Berlin 1918, II, pp. 302, 306.

dass unter uns auch die Juden ein besonderes politisches Gemeinwesen mit besonderen Gesetzen wie einen Staat im Staat nicht mehr bilden werden, und wie von ihrer Seite oft versichert ist ein Volk im Volk nicht mehr bilden wollen. Eine Professur, die mit dem Nebengedanken gestiftet würde, das jüdische Wesen in seiner Besonderheit, in seinen entfremdenden Gesetzen und Gebräuchen geistig zu schützen und zu bekräftigen, widerspräche dem Sinne der neuen die starren Unterschiede ausgleichenden Freiheit.<sup>86</sup>

What the learned savants were demanding here was that the group under discussion should change its group character and its mentality and undergo some kind of spiritual, perhaps even metaphysical, metamorphosis. It is known that there were not a few Jews who also believed such a metamorphosis feasible, and they strengthened the hand of those demanding the change.

In the decades following the 1848 Revolution, it appeared as if the change would indeed be effected, and that Jews would gradually disappear as a nation and leave no trace behind. Losses through conversion and intermarriage, and the adaptation of the remainder to the cultural patterns of the environment, seemed part of an unceasing process. So at least did the state of affairs appear from the liberal point of view of Western Europe. Yet there were other viewpoints as well. Even with liberalism at its height, there were those who could only evaluate Jewish character in terms of antiquated categories. In the eyes of Wilhelm Marr, even the Jews of 1862 constituted 'Nationalität in der Nationalität, Staat im Staate, Gesellschaft in der Gesellschaft'.<sup>87</sup> N. Nordmann's *Die Juden und der Deutsche Staat*, written in 1861, contains the following enlightening passage:

The Jewish constitution consists of the Law of Moses . . . hence their religious law is civil and vice versa. State and Church are intertwined, and whoever leaves the state at the same time withdraws from the church. It should therefore be kept in mind that the Jews may outwardly and involuntarily accept the authority of a non-Jewish state, but it is impossible for them to become integrated into it totally and willingly [freiwillig . . . aufgehen]. They cannot do otherwise than preserve the Jewish community within their hearts as a state within a state, and this they have proved in the face of the pressures of thousands of years.<sup>88</sup>

86 Geiger, *op. cit.* (above, n. 85), p. 337.

87 W. Marr, *Der Judenspiegel*, Hamburg 1862, p. 6.

88 [H. Nordmann,] *Die Juden und der deutsche Staat*, Berlin-Posen 1861, pp. 6-7.

To Nordmann and his like, it was unnecessary to find any evidence of Jewish isolationism. Even if all outward signs were to disappear, Jews could still be presumed to maintain their state within a state in their bosoms.

## V

As far as the ceaseless production of disparaging definitions of Judaism was concerned, the situation was not much different in France from what it was in Germany. True, the Jewish problem did not become a topic of public discussion in the post-Napoleonic period. Formal emancipation had been attained. Jewish social and cultural adaptation proceeded in comparative peace and quiet. Nevertheless, there was no lack of anti-Jewish expression in literature and life. Anti-Jewish formulas had been inherited from the past and were assigned prominent roles in the new modes of thought. Alphonse Toussenel's *Les Juifs rois de l'époque* was an anti-Semitic work from beginning to end.<sup>89</sup> In his introduction the author reproduced Clermont-Tonnerre's definition of the Jews as 'a nation within a nation', not as describing a past situation that would change in the future, but as a present danger threatening France. 'Do what they will, say what they will, the Jews are a nation within the French nation, and they will soon be the conquering and ruling nation.'<sup>90</sup>

Second to Toussenel's work in respect of time, but surpassing it in the significance of the content, was Gougenot de Mousseaux's *Le Juif, le judaïsme et la judaïsation des peuples Chrétiens*, published in 1869. It was a storehouse for all anti-Jewish allegations, old and new. Obviously the formula 'a state within a state' was not omitted; the author saw fit to mention it three times.<sup>91</sup> De Mousseaux interpreted the phrase to mean that the Jews sought to benefit from both worlds, to be a French citizen and at the same time to belong to the Jewish nation. These remarks give clear evidence that the slogan had struck firm root in France as well.

From the Western countries, the post-emancipation catch-phrases spread to localities where emancipation still remained an issue. With regard to Roumania, one of the passages of De Mousseaux containing the formula is a quotation from the anti-Jewish declaration of the thirty-one members of the Roumanian Parliament.<sup>92</sup> Chiarini's book,

89 Toussenel's work appeared in 1845 and was reprinted in 1847 and 1886. The references here are to the last edition.

90 *Ibid.*, p. xl.

91 The concept is mentioned on pp. xvi-xviii, 383, 445. A paraphrase appears on p. xvi.

92 The declaration was reprinted in *Archives Israélites*, 1868, p. 463. From there it was

mentioned above, speaks for Poland. I am able to point to two examples from Russia, and readers of Russian can most probably add more.

The infamous apostate, Jacob Brafmann, as is known, slanderously alleged to the authorities that the Jewish community, i.e. the leaders of the Russian *kehillot*, arrogated to themselves judicial and supervisory powers that belonged, by right, exclusively to the state. He later disseminated his malicious reports, and supported them by citing translations of documents copied from the Pinsk community register, which date back to the eighteenth century, when that community still enjoyed considerable autonomy in the transaction of its affairs. An annotated collection of such documents comprised the contents of his infamous *The Book of Kahal*, published by him in 1869.<sup>93</sup> On its title page, he printed his German motto: 'Die Juden bilden einen Staat im Staate.' This was by no means anything new. But the source he gave for it certainly is, namely, Schiller. Whether this minor forgery was the handiwork of Brafmann himself, or whether it had been committed by an earlier writer, I cannot say. Of all German authors Schiller had achieved the greatest popularity in nineteenth century Eastern Europe. Ascribing the slogan to him gave special force to the phrase.<sup>94</sup>

The second to testify to the extent of the penetration of the slogan into Russia was of an entirely different type — the author Dostojewski. His diary contains an entire chapter, written in 1877, on the Jewish problem. One of his paragraphs is headed 'Status in Statu—An Existence of 4,000 Years,' and the expression is repeated several times.<sup>95</sup> In Dostojewski's mind, Jewry constituted a separate and distinct entity among the rest of the human groupings, and this quality endowed the Jews with a unique political and social advantage. Proceeding from this definition, he dismissed the whole issue of Jewish emancipation then filling the air. Granting civil rights to the Jews would accomplish nothing. Even achieving emancipation, the Jews would continue to remain what they had always been, a state within a state.

The last piece of evidence we shall adduce reveals how the slogan was put to use in Hungary. There Jews had become emancipated at the same time as in Germany, i.e. in 1867. The Hungarian Parliament was the first legislature, however, where the call arose to reconsider the eman-

taken by de Mousseaux and quoted in his *Le Juif, le Judaïsme et la judaïsation des peuples chrétiens*, p. 445.

93 See J. Levitaz, 'The Authenticity of Brafmann's "Book of the Kahal"' *Zion*, III (1938), pp. 170-178 (Hebrew).

94 On Schiller's attitude to Jews, see O. Frankel, *Friedrich Schiller in seinen Beziehungen zu den Juden und zum Judentum*, Leipzig 1905.

95 F.M. Dostojewski, *Tagebuch eines Schriftstellers*, Munich 1922, p. 295.

ipation already granted, to determine whether it had been justified. The speaker was Victor Istoczy. He had been giving expression to this opinion since 1875.<sup>96</sup> His speech delivered on 24 June 1878 is of special interest to us.

Those were the days of the Congress of Berlin. The Near East problem not only held the attention of politicians but of public opinion as well. Istoczy urged Parliament to declare itself ready to support any proposal put forward 'on the part of leaders of Jewry or on the part of any European country' for a solution to the Eastern problem which would include the restoration of the Jewish people to their homeland. The plan could be accomplished in one of two ways: either by the establishment of an autonomous Jewish region in the Turkish kingdom, or through the founding of an independent Jewish state. Conscious that he had propounded a most unusual idea, the speaker nevertheless was ready to defend it. Let opponents of the plan ask how it could be possible to revive a state which had been destroyed 1,800 years ago and its citizens scattered to all corners of the earth. He was ready with his reply: 'Does not the Jewish state exist in Europe to this very day, as a state within a state, or, to be more correct, as a state within states?'<sup>97</sup> To substantiate his thesis, Istoczy mustered a variety of arguments strikingly similar to subsequent Zionist reasoning, though Zionism had not as yet been born. Istoczy was an extraordinary individual. He apparently regarded the founding of a Jewish state as a counter-weight to balance, or to atone for, his anti-Semitism. In this respect he was indeed exceptional,<sup>98</sup> but not so in his conclusions concerning the Jews who might refuse to emigrate and would wish to cast in their lot with the people in whose midst they had been dwelling. Of these Jews he said:

As for those who will prefer to remain, for any reason whatever, in our midst, in Europe, they must from now on cease constituting a state within a state; they must forego their dreams of absolute dominion . . . Let them honestly make their peace with Christian civilization. Let them assimilate with us; let them merge with us and become one with us in body and in soul — a single nation

96 See N. Katzburg, *Antisemitism in Hungary 1867-1914*, Jerusalem 1969, pp. 81-84 (Hebrew).

97 A German version of the speech was published by the author: V. Istoczy, *Die Wiederherstellung des jüdischen Staates in Palästina*, Budapest 1905. The passage appears on p. 15.

98 In this, too, some people agreed with him. When Herzl's *Judenstaat* appeared, the Hungarian anti-Semite Simonyi offered to help. See Theodor Herzl, *Tagebücher*, Berlin 1922, I, pp. 352, 354, 363.

only. We shall welcome them in our midst in this form with open arms.<sup>99</sup>

The insistence on total assimilation was nothing strange at the time. It was in harmony with the spirit prevailing in Hungary and wherever emancipation was an accomplished fact. In his extreme assertion, however, that Jews had not lived up to their bargain, that they had not fulfilled their obligation to assimilate, Istoczy stood quite alone. August Trefort, a member of the liberal party and Minister of Culture and Education, dissociated himself from Istoczy's aspersions there and then. He also declared that Istoczy's proposals for Jewish resettlement be regarded as a literary fantasy to which parliament should pay no attention. The Minister expressed the hope that Istoczy's remarks, which did not befit the humanitarian principles of the age, would pass away without leaving a single trace.<sup>100</sup>

The scene in the Hungarian Parliament took place in 1878, less than two years before Adolf Stöcker delivered his anti-Semitic diatribe in Berlin, the opening attack of modern anti-Semitism in the precise meaning of that term.<sup>101</sup> Opinions, which had previously been meditated by writers and whispered in narrow circles, burst full force into the open, carried abroad by blaring propaganda slogans. Quite understandably, Stöcker's remarks echoed the slogan of 'a state within a state',<sup>102</sup> and many others followed his lead. The phrase also found its way into Drumont's *La France juive*, which acted as a catalyst in France in 1885, in the same way as Stöcker's speech had in Germany.<sup>103</sup>

It would be pointless to trace the source of the slogan any further. I shall merely indicate what appears to me to be its final destination, Arno Franke's book, explicitly entitled *Staat im Staate*. The work appeared in 1930. It was a popular adaptation of Brafmann's *Das Buch von Kahal*, which had been translated into French in 1873, and into German in 1928.<sup>104</sup> For the motto of the book, appearing on the title page, the author chose the key sentence we have quoted from Fichte.

<sup>99</sup> Istoczy, *op. cit.* (above, n. 97), p. 21.

<sup>100</sup> *Ibid.*, p. 26.

<sup>101</sup> W. Frank, *Hofprediger Adolf Stöcker und die christlich-soziale Bewegung*, Berlin 1928, p. 91.

<sup>102</sup> A. Stöcker, *Das moderne Judentum in Deutschland, besonders in Berlin*, Berlin 1880, pp. 9, 19.

<sup>103</sup> Drumont's assertions have been analysed by J. Schapira in his *Der Antisemitismus in der französischen Literatur — Edouard Drumont und seine Quellen*, Berlin 1927. One of the chapters is headed 'Staat im Staate' (*ibid.*, pp. 62-69).

<sup>104</sup> J. Brafmann, *Livre du Kahal*, Odessa 1873; idem, *Das Buch von Kahal*, Leipzig 1828.

If you wish, we can now close the circle, which began with the transfer of the slogan into a Jewish context and ended in its being directed totally and exclusively against Jews.

## VI

In summing up our discussion, we return to the remarks of Simon Dubnow. Now we are able to explain more thoroughly what impelled Dubnow so strongly to refute, in his introduction to the *Pinqas* of Lithuania, the accusation implicit in the phrase 'a state within a state'. Dubnow himself related<sup>105</sup> that Abraham Elijah Harkavi had already in 1885-1886 intended to publish this mine of historical source-material, but the heads of the St. Petersburg Jewish community had prevented him from doing so. The effects of the propaganda diffused by Brafmann's *The Book of Kahal* were still all too keenly felt, and the communal leadership feared that the publication of this *Pinqas* would lend support to the allegations that Jews had always been accustomed to maintain some semblance of a separate state. Finally, Dubnow's opportunity to publish the work came some forty years later. He seized the occasion to express his own view. In essence, some type of Jewish state within a state had indeed existed, and this had always been the target attacked by hostile elements. Yet, what appeared in their eyes as a fault was, when viewed from the standpoint of Jewish autonomy, actually a virtue.

We are not subjecting Dubnow's opinions to any investigation here. His historical assertions, however, call for some answer. Our findings reveal the paradox that, during the period when Jewish autonomy actually existed, it did not draw upon itself any angry outburst and the epithet 'a state within a state' was rather directed at estates, orders and corporations — the structural sections of the older order. Only when their own corporate structure began to crumble, did Jews become the target for the accusation. Side by side with other groups to whom, apparently, the same principles applied, Jews now became a sub-group of society as a whole. Yet, even when the process of their absorption into society as a whole had made considerable progress, they did not cease to be considered an abnormal group. The burden of their heritage forced them to remain a socially inferior minority, and this inferiority manifested itself in many ways. One of its clearest symptoms was the fact that complete consistency was demanded of the Jews in their implementation of principles that, theoretically, devolved

<sup>105</sup> Dubnow, *Pinqas ha-Medinah*, pp. xxiii-xxiv.

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upon all, but, in practice, were carried out only very charily by others. The principle that no intermediaries might intervene between the individual and the state was universally acknowledged, once the estates and corporations of the old order had been eliminated. Yet the acceptance of the principle did not automatically cause the sub-groups to dissolve. Social groups organized on the basis of class origin and against the background of religion and profession continued to exist. What was condoned in the nobility, clergy and officer class could not, however, be permitted to the Jews. Of them it was demanded that they carry out the principle of unmediated relationship to the extreme, and that they disappear entirely as a sub-group. This was the clear objective of the charge in 'a state within a state'. The question whether the group was in fact sociologically capable of complying with the demand, or whether the same behaviour was required of other groups, was conveniently ignored. At all events, the wide gap stretching between the realities of the Jewish situation and the behaviour expected of them is all too clearly revealed. And this gap was one of the causes of the social dissatisfaction affecting Jewish existence in the West, even at the very time when their political status had become assured. Finally, the gap between reality and expectation became the Jews' Achilles' heel, when their antagonists began to dispute the legal status of the Jews and, in Germany, to threaten their very existence.

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