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Dear Reader,

Welcome to the 2016-17 edition of *Chronos: The History Journal of Yeshiva University*. For over a decade, *Chronos* has served as an important forum dedicated to the dissemination of student research on a broad range of subjects within the realm of history.

The study of history is central to our culture, our values, and our society. The Torah tells us, "Ask your father and he will tell you, your elders, and they will explain to you" (Deuteronomy 32:7). It is through the study of history that we become more thoughtful individuals, more reasoned thinkers, and more active participants in the world around us.

We would like to thank the authors of these papers for working with us to prepare their submissions for publication. The articles in this issue are diverse, innovative, and fascinating, and they stand as a testament to the high caliber of students at Yeshiva University. We would also like to thank Professor Jeffrey Freedman for contributing his article as the faculty submission for this issue.

Additionally, we are grateful to the Dean's Office of Yeshiva University for generously sponsoring this publication, and to Tzvi Levitin for his help in coordinating the printing process with the Advanced Copy Center.

Finally, we would like to extend our sincere gratitude to our faculty adviser, Dr. Hadassah Kosak, and to the history department faculty of Yeshiva University, for their support and guidance.

We hope you will enjoy these works of history as much as we have enjoyed bringing them to you!

Sincerely,

Israel Ben-Porat
Editor-in-Chief

Inbar Boker
Rochel Hirsch
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Editors

CHRONOS

Smooth and Striated: Comparing Eastern and Western Piracy

Tzvi Aryeh Benoff

During the Age of Discovery and the Age of Imperialism, British, Dutch, and Portuguese ships sailed into South East Asian waters to trade silver for spices, textiles, and silk. These vessels brought not only new merchandise but also new ideas to their destination. One such example is piracy. Many historians have noted that South East Asian nations—such as Malaysia, Java, and China—understood piracy differently than the West before the latter's arrival. Robert Antony asserts that "before the appearance of Europeans in South East Asia, Western notions of piracy were unknown in the region," noting that no South East Asian language contains a word for piracy; instead, "piracy…was an integral part of the social, political and economic life of South East Asia."[1] Similarly, Samuel Layton observes that the West's conception of piracy legitimized the British and Dutch effort to "civilize" the East.[2] Although these observations appear to be correct, they fail to address the Sino-Japanese pirates who attacked ships throughout the region.[3] Unlike the Javanese and Malaysians, the Chinese government did not condone piracy. However, unlike the West, China had no special legal term for piracy, simply employing the compound expression "sea thief." The West, on the other hand, had a unique conception of piracy that distinguished it from general theft.[4] This essay compares the early development of piracy in the East and the West, creating a philosophical construct to explain their divergent approaches to piracy.

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[1] Robert Antony, "Turbulent Waters: Sea Raiding in Early Modern South East Asia," *The Mariner's Mirror* 99:1 (2013), 24. Note, however, that South East Asian languages do have words for regular theft.
[2] Samuel Layton, "Discourses of Piracy in an Age of Revolution," *Itinerario* 35.2 (2001): 81-97.
[3] Antony, "Turbulent Waters," 30.
[4] This notion does appear in a non-Western culture; the ancient Egyptians also had a unique definition for pirates: "Sea People." Eric Cline, *1177 B.C.: The Year Civilization Collapsed* (Princeton University Press, 2014), 3.

Our comparative study begins with the Western perspective. Antony asserts that "the modern notion of piracy developed in the West out of a particular set of historical circumstances of intense commercial rivalries and warfare among the emerging European nation-states of the early modern period."[5] This analysis oversimplifies the story, sweeping aside 1500 years of legal and cultural development. To fully understand the philosophical and social underpinnings of piracy, one must study its ancient origins. Most historians and jurists trace the legal genesis of piracy to Cicero (d. 43 BCE), who claimed that one does not have to keep an oath made to pirates because they are "enemies of all communities" and are therefore "not subject to the law of the universal society that makes oaths binding between different communities."[6] However, Alfred Rubin questions the validity of this source as a *legal* definition of piracy. Firstly, Cicero's dialogue appears in a book of morals, not laws. Additionally, Cicero wrote the treatise during the politically unstable times of power-hungry Pompey and Julius Caesar. Thus, the discourse may not accurately reflect Cicero's true legal understanding of pirates.[7]

Instead, Rubin emphasizes later sources such as Livy (d. 17 CE) and Plutarch (d. 120 CE), who called the Cilician pirates "enemies" and termed Pompey's military campaign against them a "war" that ended with terms of surrender and treaties. Such rhetoric implicitly recognized the pirates as a legitimate political entity, rather than a mere group of criminals. Additionally, Roman jurists Ulpian (d. 223 CE) and Pomponius (c. 130 CE) maintained that "enemies"—as opposed to mere "robbers or brigands"—are those who declare war on Rome or vice versa. Thus, Rubin concludes that the Romans viewed piracy as an archaic economic system and political society detrimental to "Roman hegemony." Although the pirates lacked the "religious and formal ceremonies [that] the Romans felt were legally and religiously necessary to begin a war," the

Romans considered the pirates to be in a perpetual state of war against mankind. "The word [piracy] did not imply criminality," Rubin concludes, but rather "a fully organized society with a...particular religious order that seems to have been not shockingly different from [those] of many other peoples of that time and place." Thus, Rome granted Pompey sovereignty over the Mediterranean to challenge the deleterious sovereignty of the pirates, effectively branding them rebels.[8]

However, one should not overemphasize the formality of piracy as a legal entity. Piracy is by nature an unofficial, illegal enterprise that does not have the sociopolitical sophistication necessary for a legitimate declaration of war. The Cilician pirates lacked a government, statehood, or even a unified system of command. Rather, there is an apparent duality that Rome granted to the pirates: an anti-state capable of maintaining a perpetual war that, by its nature, does not require the normal standards of warfare. It is difficult to understand the logic of this dialectic. What is the philosophical basis for this conception of piracy?

In order to answer this question, we must understand what pirates philosophically represent. Leif Dahlberg and Gabriel Kuhn both cite Felix Guattari's seminal work *A Thousand Plateaus* (1987), in which the latter distinguished between two forms of human existence and interaction: the nomad hunter-gatherer and the sedentary cultivator. These models did not die out with the end of the Neolithic era; rather, they are ever-present forces symbolized by what Guattari calls "striated" and "smooth" space. The former is the environment that man has dominated and circumscribed, while the latter is an amorphous region in which man temporarily

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[5] Antony, "Turbulent Waters," 24.
[6] Cited in Alfred Rubin, *The Law of Piracy* (Newport, Rhode Island: Naval War College Press, 1988), 10.
[7] Rubin, *Law of Piracy*, 10. See there (and notes) for further arguments.

[8] Rubin, *Law of Piracy*, 4-13.

exists. These two dynamics are contradictory, opposing forces in human development; throughout history, smooth space is striated and then smoothed out again.[9]

Guattari employs the analogy of the "maritime model." The ocean is a vast, uniform space uninhabitable to man except for isolated, transitory points such as ships. Thus, the ocean is the archetype of smooth space; however, it is also the archetype of striation, the process through which man transforms his environment into a sedentary one. By the process of cartography, man effectively grids the ocean and circumscribes it. It follows that if the ocean is the paradigm of smooth space, then pirates are the quintessential embodiment of that smoothness. They are veritable nomads sailing from one place to another, de-territorializing the striated waters of government jurisdiction and legal trade. Thus, both Dahlberg and Kuhn believe that the conflict between piracy and the nation-state is the perfect model to illustrate the opposing forces of striation and smoothing.[10]

However, Guattari also believes that war is an extension of nomadic force, an attempt to de-territorialize the enemy.[11] Thus, contrary to Dahlberg and Kuhn's analysis, even a nation-state waging war constitutes a smoothing force. We now have a second way to characterize the conflict between piracy and the nation-state: although the ultimate goal of a civilization is to striate territory, it is necessary at times to first smooth out the opposing smoothing force in the area.[12] As such, a standard war contains two elements: an initial smoothing of the enemy, followed by an ultimate striation. Accordingly, one may suggest that although the Romans did not consider piracy a truly legitimate political entity—a source of striation—they did view piracy

[9] Gilles Deleuze and Felix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987), 474-481. For a more thorough perspective, see there further until pg. 500.
[10] Gabriel Kuhn, *Life under the Jolly Roger* (PM Press, 2009), 28-29; Leif Dahlberg, "Pirates, Partisans, and Politico-Juridical Space," *Law and Literature* 23.2 (2011): 266-269.
[11] *A Thousand Plateaus*, 361.
[12] Later in this essay I refer to this phenomenon as "graduated striation."

as a brute force, a source of smoothing. Livy and Plutarch's rhetoric of "war" and "enemies" regarding Pompey's campaign against the Cilician pirates did not legitimize the latter's organizational authority as a striating force, but rather as a smoothing force. It follows that war against piracy, unlike regular warfare, only requires one element: smoothing out the pirates' opposing smoothing force; no subsequent striation is necessary, because the pirates never had the capacity thereof. Thus, due to the abnormal nature of such wars, the normal rules and rights do not apply, including the necessity of a formal declaration of war.[13]

The latter conceptualization of piracy explains several phenomena. Firstly, it provides a useful distinction between treaties and surrenders. Although some dispute the propriety of negotiating treaties with pirates, there is no recorded opposition to negotiating terms of surrender with them. Our construct affords a logical approach: whereas the pirates' surrender continues the process of the victor's striation of the defeated territory, a treaty would empower the defeated pirates with official recognition, thereby delegitimizing the victor's striation process; alternatively, one could view it as the quintessential manifestation thereof.

Additionally, our reformulation of Guattari's model can explain the development of the concept of piracy into the post-Renaissance period. In 1581, Balthasar de Ayala interpreted Justinian's piracy law to mean that a pirate does not have enemy status and is thus not subject to the laws of war. Accordingly, de Ayala notes that the full brunt of war—what Guattari calls the "war machine"[14]—can be levied against pirates, because "the rebel and the robber merit severer reprobation than an enemy who is carrying on a regular and just war and their condition ought not to be better than his."[15] Rubin is puzzled why Ayala did not consider the rebel a lawful

[13] Plutarch describes declaration of war as a religious process of calling the gods' attention to the injustice of a recognizable entity; this phenomenon reflects a striated aspect of war (see Rubin, *Law of Piracy*, 9-10).
[14] *A Thousand Plateaus*, 371.
[15] Cited in Rubin, *Law of Piracy*, 19.

enemy; however, as we have argued, legitimate war contains two components—striation and smoothing—whereas the pirates and the rebels only have the latter element. Thus, it is reasonable to distinguish pirates and rebels from nation-state enemies.

Finally, our approach explains the distinction between piracy and privateering, which is licensed by the government. Italian jurist Alberico Gentili (1552-1608 CE) reasoned that governments have the legal authority to authorize pirates and recognize them as a legitimate entity.[16] However, not everyone intuited Gentili's argument. For example, an English ballad from 1609 refers to a "[pirate's]...lawful prize."[17] Although the characters in the ballad were privateers, not pirates, laymen clearly failed to grasp this nuanced distinction. They did not recognize Guattari's dialectic, in which pirates can wage war without recognition as a political entity.

At any rate, Guattari's model provides a philosophical basis for viewing pirates as an entity capable of declaring war and yet not subject to the laws of war. It is also evident that, despite Antony's assertion, the legal and philosophical issues of piracy far predate the early modern era. Rather, later scholars and jurists grappled with issues already raised by men such as Cicero, Livy, and Justinian regarding the seemingly contradictory nature of the conflict between piracy and the nation-state. Additionally, the legal definition of piracy and its distinction from privateering can theoretically exist without the aforementioned philosophical discourse. In fact, some of these concepts may predate Cicero.[18] Thus, Western views on piracy have a long and complex intellectual and legal history.

Let us now turn our attention from the West to the East. As in the former, piracy has existed in the latter for millennia. The earliest record of pirate attacks appears in *Memoirs Concerning the South of Meihling Mountains*, which documents incidents dating back to the Zhou dynasty (c. 1046-256 BCE).[19] However, we will focus in particular on the much later Ming dynasty (1347-1644 CE), when piracy became an especially important component of China. Former peasant Zhu Yuanzhang, or Taizu, founded the dynasty when he eliminated the Mongol rule and declared himself emperor. Drawing on Confucian and Daoist ideals of strong central government, Taizu created an efficient bureaucracy that swiftly punished wrongdoers, strengthened the power of the eunuchs, and venerated the emperor as a messenger of heaven.[20] He also curbed maritime trade by instituting the *haijin* (sea ban). This edict had several stages: in 1371, Taizu forbade all coastal troops from engaging in trade; in 1381, he banned the population from foreign trade; finally, in 1394, he forbade travel to any overseas country. The haijin continued to exist in various forms throughout the dynasty.[21]

Scholars posit several explanations for this drastic course of action. Some explain it as an effort to curb Japanese piracy. Another suggestion is that Ming emperors adhered to a Confucian philosophy that favored agriculture over self-indulgent, luxury-driven commerce. A third possibility is that the empire needed to conserve its resources to address the Mongol threat in the north.[22] Regardless of its impetus, the haijin had the opposite effect. Like Prohibition in America, ordinary merchants continued to conduct their ventures illegally; some became smugglers, others

[16] Rubin, *Law of Piracy*, 20-21. Note that Gentili was trying to legitimize holding diplomatic relations with the Barbary States.
[17] Cited in Rubin, *Law of Piracy*, 15-16.
[18] Bradford documents a scenario of pseudo-privateering employed in 230 BCE; see Alfred S. Bradford, *Flying the Black Flag: A Brief History of Piracy* (Westport: Praeger Publishers, 2007), 21. For another instance, see Rubin, *Law of Piracy*, 5.

[19] Phillip Gosse, *The History of Piracy* (New York: Tudor Publishing Company, 1934), 265. These documents have yet to be translated into English and thus are, unfortunately, beyond the scope of this paper.
[20] Patricia Buckley Ebrey, *The Cambridge Illustrated History of China*, 2nd ed. (New York: Cambridge University Press, 2010), 190-191; Harold M. Tanner, *China: A History* (Indiana: Hackett Publishing, 2009), 283-286.
[21] Akira Matsuura, "Chinese Sea Merchants and Pirates," *A Selection of Essays on Oriental Studies* 1.1 (2007): 77-78.
[22] Jakub J. Grygiel, *Great Powers and Geopolitical Change* (Baltimore: John Hopkins University Press, 2006), 143.

became pirates, while some practiced both.[23] As a result, pirate raids on coastal villages increased. Pirates formed fleets of ten to a hundred ships, marched miles inland, and murdered hundreds of villagers at a time.[24] The empire sent its somewhat minimized navy to attack the pirates but lost repeatedly; such military campaigns only began to succeed after the Chinese rescinded the ban, whereupon piracy soon returned to pre-haijin levels.[25]

When comparing Western and Eastern approaches to piracy, one notices a stark difference between China's approach and that of Rome. Whereas the latter launched an unprecedented, radical naval war, the former isolated itself and conducted ineffective, uncoordinated assaults. This difference is particularly noteworthy because it occurred despite Rome and China's very similar circumstances: both civilizations had experienced pirate attacks for centuries before attempting to fully address the problem; both Cilician and Sino-Japanese pirates had conducted raids and slaughtered countless people, and both piracies lacked a central command.[26] Yet fundamentally, Rome and China displayed vastly different attitudes toward piracy. We must understand how seemingly identical circumstances did not lead to the same conclusion: to view pirates as enemies of mankind (and to wage war accordingly).

Although one may simply argue that the circumstances were not completely identical, a more nuanced answer draws upon another element of Guattari's theory—one that I call "graduated striation." In his "maritime model," Guattari notes that the confrontation between

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[23] Antony, "Turbulent Waters," 27-29.

[24] Tanner, *China*, 312; Matsuura, "Chinese Sea Merchants," 79.

[25] James Kai-sing Kung and Chicheng Ma, "Voyages of Discovery and the Rise of Piracy in Sixteenth-Century China" (http://ihome.ust.hk/~sojk/Kung_files/Piracy_China.pdf), 2, 4. Note that the authors state, "So powerful were the Chinese pirates that they defeated the imperial troops and *took control* of the southern seaboard." That language of control, which indicates a large measure of authority, never applied to the Cilician pirates. We will discuss this distinction below.

[26] Most Chinese pirates worked independently or part of a larger group that had no affiliation to a land-based government. The *wako* pirates were not an extension of a central Japanese government; due to political instability, the shogunate had considerably weakened and broken into small feudal kingdoms which, at times, degenerated into pirate groups. Additionally, Japanese comprised a small percentage of the *wakos*; the rest were a mix of Chinese, Koreans, and Malays. Frank L. Chance, "Some Notes on Japanese Piracy," *Education about Asia* 19.2 (Fall 2014): 83.

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smoothing and striation develops over time. For example, "before longitude line had been plotted, a very late development," sailors employed an "empirical nomadic system of navigation" using wind and later the stars.[27] Thus, at one point in history the "empirical nomadic" navigation system was a process of striation, but today it would be less precise and thus a smoothing force on our gridded longitudinal lines. Accordingly, a force's status as "striating" or "smoothing" is not objective, but rather depends on the context.[28] If so, one can posit that when Ming dynasty China effectively removed itself from maritime activity through *haijin*, it passively smoothed out the sea; as a result, the Sino-Japanese pirates, unlike the Cilician pirates, achieved a high degree of striation.

For example, the pirate Cheng-Chi Ling (early 17th century) developed a fleet of pirates and bequeathed it to his son Koxinga, who attacked the Chinese and Dutch for over twenty years. He in turn bequeathed control of the wealthy venture to his descendants.[29] This "dynastic piracy" creates the impression of an inheritable pseudo-sovereignty much more concrete than the amalgamation of Cilician pirates during Cicero's times.[30] Similarly, the pirate Wang Zhi (mid-16th century), created a network of pirate-trading ships and organized an armed fleet to protect them. Matsuda refers to him as a "political and military authority unto himself…[who] also allied with government forces when it suited his commercial interests."[31] This quasi-political sovereignty sometimes extended even to land; Jakub Grygiel notes that in 1552, the *wakos* invaded China and established control "over a whole coastal district."[32] The confluence of trade and piracy further magnified the pirates' striation. Piracy, in effect, became another form of

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[27] *A Thousand Plateaus*, 479.

[28] See *A Thousand Plateaus*, 482. Guattari does not mention this formulation there, but it logically follows.

[29] Gosse, *History of Piracy*, 269-271.

[30] Although originally the Cilician pirates had also been a "family business," that had changed by Cicero's time, when the pirates had absorbed Roman exiles. See also Gosse, *History of Piracy*, 271.

[31] Matt K. Matsuda, *Pacific Worlds: A History of Seas, Peoples, and Cultures* (Cambridge: Cambridge University Press, 2012), 105.

[32] Grygiel, *Great Powers*, 153.

business. For example, the pirate Mrs. Ching, who inherited command of four fleets of pirate ships from her late husband, meticulously documented her pirate goods in the manner of a merchant.[33] It is thus evident that in the absence of the Ming navy, these Sino-Japanese pirates became significant forces of striation, and thereby somewhat legitimate political entities. Thus, unlike the Romans, who considered pirates to be in a perpetual state of war against mankind, the Chinese did not share that view.

China's maritime reticence reflects an overall political philosophy oriented toward internal striation—a manifestation of Chinese isolationism and Confucian philosophy. Grygiel notes that "Ming China was not a revolution, but a conservative power" that promoted Confucianism, which values strong, central authority and "the dominance of civil bureaucrats over [the military]." Thus, on the offensive against the Mongols, the Ming emperors merely launched isolated "search and destroy" campaigns, rather than a full war. They also devoted great resources toward construction of the Great Wall to repel the Mongol threat. As Grygiel observes, "China returned to its Confucian roots, which had never generated an 'urge for conquest.'" [34] Similarly, the *haijin* banned all civilian maritime trade, thus encouraging agriculture, which is a form of striating the earth. Rome, on the other hand, was an outward-looking society that eagerly attacked other nations as it attempted to conquer and striate enemy territory.

Additionally, Chinese ethnocentrism illustrates well the contrast between Rome and China. As noted above, Rome waged war against the Cilician pirates because the latter represented an antiquated socioeconomic agenda that stymied "Roman hegemony." Similarly,

China considered the Mongol "barbarians" a threat to its cultural hegemony.[35] However, whereas Rome combated its threat through war—external striation—China fought its barbarians by building the Great Wall—internal striation. This perspective also explains the etymology of the Chinese term for pirate: *woukou*.[36] Chance notes that the term is related to the word "barbarian" and that it functioned as a pejorative for foreigners. [37] *Woukou*, then, expresses China's underlying philosophy of piracy: the archetypal threat to a striated region. It is thus clear how Chinese foreign policy in general, and especially regarding pirates, was the epitome of striation, which consequently enabled the pirates to attain a relatively strong striating force.

Let us now reconsider the comparison between Eastern and Western views on piracy. To Rome, piracy represented an anti-state, a threat to economic and political hegemony that required counter-smoothing. To China, piracy constituted a barbaric threat that required internal striation in the form of leadership, bans, and walls. Whereas Western pirates were forces of smoothing, Eastern pirates were forces of graduated striation.[38] Thus, we must modify Antony and Layton's thesis. The West did not export to the East the notion that piracy is wrong; the Sino-Japanese pirates in the region already had that moral concept. Rather, the West brought the notion that piracy is a smoothing—not striating—force that necessitates strong subdual. It was the latter mentality that justified the British, Dutch, and Portuguese subjugation of the region in order to "civilize" the Eastern nations, whose antiquated economic and political practices constituted a threat to Western hegemony.

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[33] Gosse, *History of Piracy*, 278.

[34] Grygiel, *Great Powers*, 125, 129, 149. Note that although Grygiel's reference to Ming "conservative power" refers to policies, the same can apply to overall philosophy. Note also that Grygiel's example of the Great Wall is especially salient, because the Mongols did not have a unified capital (130). Thus, Mongols are essentially land pirates and thus serve as the perfect foil for Roman foreign policy.

[35] Grygiel, *Great Powers*, 136.

[36] This word is the Chinese equivalent to the Japanese *wako*.

[37] Chance, "Some Notes on Japanese Piracy," 83.

[38] The same applies to piracy in South East Asia; like the Sino-Japanese pirates, the Malays and Javanese saw piracy as a medium of political advancement—a form of striation. Layton, "Discourses of Piracy," 83.

The Portrayal of the Irish in Gerald of Wales' *Topography of Ireland*

Yakov Ellenbogen

Gerald of Wales was a 12th-century deacon and prolific author of Welsh and Norman descent. One of his works, *The Topography of Ireland*, consists of Gerald's summary of his findings from his journeys through Ireland. He divides his work into three main sections: the topography and natural features of the island, the wonders found in Ireland, and the history of the Irish people. In the last section, Gerald uses particularly harsh rhetoric when describing the Irish and their culture, which has presented Gerald as a colonist who viewed the Irish with contempt. More recently, scholars have focused on the second section—the wonders found in Ireland—attempting to prove that Gerald did not completely disdain the Irish. [1] However, upon examination, Gerald's historical section also contains multiple passages that challenge English assumptions about the Irish along with the section's alleged anti-Irish message.

Gerald de Barri was born around 1146 in Manorbier Castle, his father's well-kept estate in Wales.[2] The youngest of four boys, Gerald descended from distinguished figures. His maternal grandmother, Nest (or Nesta), was a Welsh princess, while his paternal grandfather, Odo, fought with the Norman invaders who conquered Pembroke, in the west of England. The effects of this dual legacy—native Welsh and invading Norman—on Gerald's literary output will be discussed below in this paper. From an early age, Gerald seemed destined for the clergy, or at least that is how he tells his own story. Gerald provides autobiographical stories exemplifying this trajectory,

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[1] See e.g. Rhonda Knight, "Werewolves, Monsters, and Miracles: Representing Colonial Fantasies in Gerald of Wales's *Topographia Hibernica*," *Studies in Iconography* 22 (2001), 55-85, and Asa Simon Mittman, "The Other Close at Hand: Gerald of Wales and the 'Marvels of the West,'" in *The Monstrous Middle Ages*, ed. Bettina Bildhauer and Robert Mills (Toronto: University of Toronto Press, 2003), 97-112.

[2] The background of Gerald's life presented here is a summary of material found in F. X. Martin, "Gerald of Wales, Norman Reporter on Ireland," *Studies: An Irish Quarterly Review* 58.231 (1969): 279-286; Robert Bartlett, *Gerald of Wales 1146-1223* (New York: Clarendon, 1982), and idem, *Gerald of Wales: A Voice of the Middle Ages* (Stroud: Tempus, 2006), which themselves are summaries of Gerald's own autobiographical content.

recounting that while his brothers played on the beach, constructing sand castles, he built churches and monasteries out of the sand. At a young age, he says, his father began referring to him as "the little bishop." Around this time, Gerald learned ecclesiastical studies from his uncle, David FitzGerald, the bishop of St. David's. Subsequently, Gerald traveled to Gloucester where he learned Latin under a Master Haimon, and finally traveled to Paris in 1162, where he continued his studies for thirteen years.[3] In 1176, the position of Bishop of St. David's—his uncle's former seat—opened. While most deemed Gerald as the obvious choice to replace his uncle, Henry II, who would not allow bishops of Welsh descent, blocked his candidacy.[4] In the wake of this personal defeat, Gerald spent three more years in Paris, returning to Wales in 1179. Four years later, he embarked on his first of two trips to Ireland, returning to the island in 1185.

The Norman conquest of Ireland did not initially function as a royal project. Even while Gerald was studying in Paris, nobles, including his brother and cousins, had started traveling to the island and establishing their rule.[5] Indeed, on his first trip to Ireland, Gerald accompanied his older brother, Phillip, who was claiming lands that their uncle had conquered. On his second trip to Ireland, Gerald accompanied Prince John of England, who was claiming the lordship of Ireland for the English crown.[6] On both expeditions, Gerald collected materials instrumental to his first two books, completed in 1186: the *Topographia Hibernica* (*Topography of Ireland*), and the *Expugnatio Hibernica* (*Conquest of Ireland*). While the truthfulness of much of Gerald's

output is suspect,[7] these two works were extremely popular and influential both during and after his lifetime. We now turn to the exact purpose and influence of his *Topography of Ireland*.

Gerald's tone towards the Irish in his *Topography of Ireland* ranges from appreciative to extremely critical. However, for the most part, it tends towards the latter. In his work, Gerald introduces his readers to "a wild and inhospitable people. [The Irish] live on beasts only, and live like beasts."[8] Among his many critiques of the Irish, Gerald harps on their laziness,[9] their untrustworthiness,[10] and their vice-filled lives. With regards to the last of these, Gerald notes that the Irish do not attend church, do not fear God, commit incest, and some are even guilty of bestiality.[11]

The classical interpretation of Gerald's negative attitude towards the Irish is summed up well by his biographer Robert Bartlett: "In Ireland [Gerald] was more clearly one of the invaders and colonizers...The *Topographia Hibernica*, too, justifies and glorifies the Anglo-Norman invasion."[12] More legitimacy lends itself to this position when one considers other features of the *Topography*. For example, the work is dedicated to Henry II, the monarch who began the royal invasions of Ireland; and with whose son, John, Gerald traveled on his second trip to Ireland. Additionally, Gerald presents sources explaining that the English possess a claim over the island.[13] As such, it is not necessarily surprising that many posit that Gerald was a colonialist apologist and that his work meant to justify English imperialism, or even, as F. X. Martin puts it,

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[3] However, some sources say that he spent only ten years studying in Paris. See Martin, "Gerald of Wales," 282.
[4] Martin ("Gerald of Wales," 282) points out that Henry had difficulties with the Church during his reign and may have felt that a Welshman would not remain loyal.
[5] Martin, "Gerald of Wales," 282; Bartlett, *Voice of the Middle Ages*, 11.
[6] Knight, "Werewolves, Monsters, and Miracles," 55.

[7] For example, John O'Meara notes that it seems from Gerald's topographical survey that the latter did not even travel inland, but rather skirted the coast of Ireland, rendering even his claim to topography suspect. See Gerald of Wales, *The History and Topography of Ireland*, trans. John O'Meara (Penguin Books, 1982), "Introduction," 14.
[8] Gerald of Wales, *History*, 101.
[9] Gerald of Wales, *History*, 102: "[The Irish farmer] is too lazy to plant the foreign types of trees that would grow very well here."
[10] Gerald of Wales, *History*, 107: "These are their characteristics: they are neither strong in war, nor reliable in peace."
[11] Gerald of Wales, *History*, 106-110. In his second section as well, focusing on the miracles and wonders of Ireland, Gerald notes cases of bestial relationships (73, 75-6).
[12] Bartlett, *Gerald of Wales*, 185.
[13] Gerald of Wales, *History*, 99-100.

that it is proactive "Norman propaganda."[14] In fact, the English rulers of Ireland used Gerald's work as propaganda. Martin points out that "the influence of Gerald of Wales on subsequent historians has been incalculable… He supplied a justification to the English officials of the late medieval and Tudor periods for the repression of the Gaelic Irish and their culture."[15]

Despite the classic view of Gerald's writing about the Irish, some passages should at least give readers pause as they examine his work. This does not mean that Gerald sympathized with the Irish, nor that those who would use his work to repress the Irish in the future completely misunderstood him. However, it is important to note the passages within Gerald's works that portray the Irish in another light, or at least provide reason to view his work from another perspective.

The first of these passages introduces the third section of the *Topography of Ireland*. Gerald explains that this section focuses on the history of the people of the island, before clarifying why he organized his work in such a manner. After explaining the physical characteristics of the land, and the flora and fauna found there, Gerald says that "we should then finally treat of man himself, as being the most worthy subject of our investigation, and on whose account we have treated of the other things."[16] Thus, for Gerald, the Irish people serve as the most important aspect of Ireland and as the only reason that he wrote the rest of his book. Gerald shifts the focus to them in the last part of his work because he saved the best for last. This methodology is interesting for two reasons: firstly, for Gerald, history is the ultimate study of the

natural world because it relates to man, the most important part of the world; secondly, Gerald groups the Irish with the rest of mankind without any of the distinctions he makes later in his work. The Irish are, for all intents and purposes, human beings worthy of the same historical study as the rest of humanity. This may not seem surprising, as Gerald never declares that the Irish originate from a different species. However, many scholars note that conquering peoples often use degrading language when discussing their conquered subjects. Edward Said, for example, writes that a "web of racism, cultural stereotypes, political imperialism, [and] dehumanizing ideology" has been created in the West regarding Arabs and the Arab world.[17] In contrast, Gerald's work, which certainly contains dehumanizing elements, begins by affirming the humanity of the indigenous inhabitants of Ireland.

Perhaps the passage that fuels most challenges to the mainstream interpretation of Gerald's work directly follows a particularly harsh critique of the Irish. After explaining that the Irish are a lazy people, Gerald claims that they are also "a barbarous people, literally barbarous. Judged according to modern ideas, they are uncultivated… All their habits are the habits of barbarians." This passage provides a subversive counter to Gerald's general outlook towards the Irish. While it is true that the Irish appear to be barbarous, that is only true when one judges them according to modern standards. Gerald continues to explain that,

> Since conventions are formed from living together in society, and since they are so removed in these distant parts from the ordinary world of men, as if they were in another world altogether and consequently cut off from well-behaved and law-abiding people, they know only of the barbarous habits in which they were born and brought up, and embrace them as another nature. Their natural qualities are excellent. But almost everything acquired is deplorable.[18]

Not only does Gerald introduce a sort of cultural relativism to his work by claiming that the Irish are only barbarous when judged by English standards, he now explains that they

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[14] Martin, "Gerald of Wales," 279. It is possible that the Irish themselves viewed Gerald's work this way as well. Upon its writing, Felix of Ossory, an Irish bishop, commented that Gerald "had spoken much evil well." The meaning of this statement is not exactly clear, as it could mean that Gerald was simply slanderous, but it is possible that Felix understood that the *Topography* could be used as a tool for propaganda in the future, which explains the significance of his insistence that the work was well-written. For Irish reactions to the *Topography*, see Martin, "Gerald of Wales," 286.

[15] F. X. Martin, "Diarmait Mac Murchada and the Coming of the Anglo-Normans," in *A New History of Ireland, Volume II: Medieval Ireland, 1169-1534*, ed. Art Cosgrove (Oxford: Oxford University Press, 2008), 46.

[16] Gerald of Wales, *History*, 92.

[17] Edward W. Said, *Orientalism* (New York: Vintage Books, 2014), 27.

[18] Gerald of Wales, *History*, 102-103.

developed that way because of isolation. Again, this statement does not mean that Gerald does not view Irish culture as barbarous. However, his conception of history posits that different nations evolve differently over time due to natural circumstances—a consideration that creates an atmosphere of sensitivity towards the Irish, if not understanding of their culture. Most importantly, the barbarous qualities that the Irish exhibit are not inherent to the Irish people— rather, they are cultural, and although they seem to be "another nature," they are in fact only "acquired." One may tentatively suggest that this rhetoric is another method through which Gerald "humanizes" the Irish. Although it may appear to the English that the Irish are completely foreign, at root they are human, even containing "excellent" qualities.[19] Hence, this passage provides a counterpoint to Gerald's usual condemnation of the Irish. Accordingly, Irish culture may be deplorable, but that is only a result of isolation, and in fact this judgment stems only from the viewpoint of contemporary English culture.

Finally, Gerald openly praises Irish culture when discussing their musical talents. As opposed to English instrumentation, the Irish play "quick and lively" music, which is sonorous, subtle, and graceful.[20] While this praise seems slightly out of place in the *Topography*, Shai Burstyn demonstrates that various types of musical performance of all cultures fascinated Gerald, who, having studied music in Paris, wrote about music in other works as well.[21] To praise the Irish for their musical talents, then, proves a significant point for Gerald. Moreover,

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[19] This passage may be interpreted differently. Bartlett, for example, notes that while Gerald explains that isolation in effect created Irish culture, this does not mean that once it encountered English culture the Irish became "civilized." Instead, Gerald sometimes focuses on the fact that the Irish corrupted the English who moved to Ireland. See Bartlett, *A Voice of the Middle Ages*, 157. In addition, it must be noted that the passage quoted above may be read in support of imperialist tendencies, and that Gerald believed that it would be better for the Irish to adopt English culture, or even for it to be forced upon them. Thus, the fact that their acquired culture was deplorable would have been the very reason that the English should invade Ireland, as a sort of premodern "White Man's Burden."

[20] Gerald of Wales, *History*, 103-104.

[21] See Shai Burstyn, "Is Gerald of Wales a Credible Musical Witness?" *The Musical Quarterly* 72.2 (1986): 155-169; and idem, "Gerald of Wales and the Sumer Canon," *The Journal of Musicology* 2.2 (1983): 135-150, although the latter is more directly concerned with the specific interpretation of one of Gerald's presentations of Welsh music.

Gerald argues that "both Scotland and Wales…try to imitate Ireland in music and strive in emulation."[22] This idea, especially regarding the Welsh attempt to emulate Irish music, bridges the gap between the two peoples. Having already explained that the Irish are not, in fact, inhuman at their roots, Gerald moved on to Irish culture. By elucidating this cultural contact between the Welsh and the Irish, Gerald prompts his readers to question whether the two cultures differ significantly.

This question may have been especially pertinent for Gerald, a descendant of Welsh royalty. As mentioned earlier, Gerald's Welsh roots significantly affected his life when he was denied the post of Bishop of St. David's due to his ethnicity. The level of Gerald's affinity to the Welsh, however, casts its own doubts. The title "Gerald of Wales," is itself a translation of the Latin *Giraldus Cambrensis*. However, another possible translation of the phrase is "Gerald the Welshman," which stresses his identification with Welsh people, as opposed to the coincidence that he was "of Wales."[23] The Welsh, too, were conquered by the Norman invaders upon the latter's entry into England, and in his other works that deal with the Welsh, Gerald splits his loyalties between the subjugated Welsh and their Norman rulers.[24] Therefore, by noting the similarities between Irish and Welsh cultures, Gerald makes a personal point: just as the Welsh had been invaded and absorbed by the Normans, so the Irish suffered the same experience, losing their own culture. By drawing a comparison between the Welsh and Irish, Gerald does not sound like a victorious conqueror, justifying the subjugation of the Irish at the hands of the English

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[22] Gerald of Wales, *History*, 104.

[23] See Bartlett, *A Voice of the Middle Ages*, 16-17, who notes that it is often Welsh writers who claim that the proper translation is "Gerald the Welshman," while non-Welsh scholars claim the opposite.

[24] Jeffrey Jerome Cohen discusses this tension in Gerald's writing. See his "Hybrids, Monsters, Borderlands: The Bodies of Gerald of Wales," in *The Postcolonial Middle Ages*, ed. Jeffrey Jerome Cohen (New York: St. Martin's Press, 2000), 85-104. For example, Cohen notes that Gerald's *Description of Wales* includes a chapter titled "How the Welsh Can Be Conquered," shortly followed by another titled "How the Welsh Can Best Fight Back and Keep up Their Resistance" (87).

imperialists. Rather, his discussion of Irish culture evokes memories of previous Norman invasions, with which he was quite familiar.

Although Gerald of Wales' *Topography of Ireland* may seem like propaganda, multiple passages in his work should naturally lead readers to question that assertion. In these sections, Gerald does not dehumanize the Irish, but rather emphasizes their humanity. He even notes their similarities with other cultures more familiar to the English, specifically the Welsh—a culture to which he was deeply connected. While most of the *Topography* demeans the Irish, this should not negate the force of the passages in which Gerald confronts the righteousness of a Norman invasion of Ireland. Nor is this necessarily out of place in Gerald's literary output, as he has held inconsistent points of view. While in some of his works he fiercely defends the Welsh, in others he criticizes them.[25] Likewise, Gerald held a dual attitude towards the English monarchs; thus, he did not "refrain from criticism, even in the midst of...praises."[26] The contradictory depictions of the Irish—at once humanizing and dehumanizing, both connecting cultures and drawing distinctions—fall well within Gerald's general style of writing and thinking.

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[25] Bartlett, *A Voice of the Middle Ages*, 16-29.
[26] Bartlett, *A Voice of the Middle Ages*, 57.

Tenochtitlan: Gender Ideals in Aztec Culture

Sima Fried

Hernan Cortes's soldiers thought themselves to be dreaming when they first laid eyes on the Aztec capital of Tenochtitlan. Like a vision, the city rose out of Lake Texcoco, complete with floating gardens and towering temples, interlaced with canals that could possibly compete with those in Venice. An analysis of Tenochtitlan, the paradigm of Aztec life, provides great insight into the culture of its people. This paper will focus on the gender values of the Aztecs[1] and how these values were introduced to and later reinforced in their children. Viewed at birth as raw, precious materials to be developed, Aztec children were carefully regulated by sophisticated social and cultural activities including life cycle rituals, gendered work, and body ornamentation. This paper will explore how, through the careful regulation of its numerous social and cultural activities, Aztec children grew to be paradigms of their relative genders.

Studying Aztec culture is not easy, as most of the available sources date from after Hernan Cortes's conquest in 1521. Additionally, Central America has notoriously poor archaeological preservation as a result of its tropical climate. Therefore, in order to gain any insight into day to day life one must primarily rely on the codices available. It is important to note that these codices were compiled by Catholic missionaries who were largely ignorant of the Aztec way of life and who necessarily had their own biases and agendas.[2] Nonetheless, these codices do offer a way to reconstruct Aztec lives and identities.[3] The main sources available include the

> *Florentine Codex*—an encyclopedic work compiled by Friar Bernardino de Sahagun about the people and culture of central Mexico and their history. The final work consists of 2,400 pages organized into 12 books with over 2,000 illustrations drawn by native artists.[4]
>
> *Mendoza Codex*—a pictorial work that was hastily created around 1540 in Tenochtitlan by the Viceroy of Mexico, Don Antonio de Mendoza, to be viewed by Charles V, the Holy Roman Emperor and King of Spain. The entire work consists of 71 pages. However, after its creation it was seized by French privateers and taken to France.[5]

Though far from perfect, these codices are invaluable in the study of the different social and cultural interactions of the Aztecs, especially the pictographs which have been revisited and reanalyzed over the years.

Aztec gender ideals were first established at birth through a specific set of lifecycle rituals. When born, infants were initially viewed as ungendered, precious, raw materials such as feathers, given by the gods to be shaped and formed:

> The one who has arrived, the precious necklace, the precious feather, the baby, which has been flaked off here. Our lord the creator, the master, Quetzalcoatl, flakes a Precious necklace, places a precious feather, here on your neck, at your breast, in your Hands he places a precious necklace.[6]

Soon after birth, however, gender ideals were established through an important lifecycle ceremony involving the umbilical cord. If the child was a girl, the midwife would bury the dried umbilical cord by the hearth, establishing the future domestic domain of the child. The midwife

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[1] In this paper, the term *Aztec* refers primarily to the inhabitants of Tenochtitlan. However, it is important to note that gender related activities did slightly vary from site to site especially in times of high tax and outside threat. See Elizabeth M. Brumfiel, "Asking About Aztec Gender: The Historical and Archaeological Evidence," in *Gender in Pre-Hispanic America: A Symposium at Dumbarton Oaks, 12 and 13 October 1996*, ed. Cecelia F. Klein and Jeffrey Quilter (Washington, DC: Dumbarton Oaks Research Library and Collection, 2001), 70.

[2] There had been "pre-conquest" native Aztec Codices but most were destroyed by the Spanish when they arrived.

[3] Caroline Dodds Pennock, "'A Remarkably Patterned Life': Domestic and Public in the Aztec Household City," *Gender & History* 23.3 (2011): 530-531.

[4] Kevin Terraciano, "Three Texts in One: Book XII of the Florentine Codex," *Ethnohistory* 57.1 (2010): 51-53.

[5] David Carrasco, "City as Symbol in Aztec Thought: The Clues from the Codex Mendoza," *History of Religions* 20.3 (1981): 207-08.

[6] Florentine Codex, cited in Rosemary Joyce, "Girling the Girl and Boying the Boy: The Production of Adulthood in Ancient Mesoamerica," *World Archaeology* 31.3 (2000): 475.

would also pray that the child would grow to be a talented weaver, gifted cook, and, most importantly, a fertile mother.[7]

> You will be the heart of the home, you will go nowhere... you become the banked fire, the hearth stones. Here our lord plants you, buries you. And you will become fatigued, you will become tired; you are to provide water, to grind maize, to toil; you will become tired; you are to sweat by the ashes, by the hearth.[8]

The ideal of the woman as a domestic and fertile figure is reflected through numerous small ceramic figures found at midden and domestic sites. These figurines (10-20 cm) were mass-produced by craftsmen to be sold at the market and often depicted pregnant women or women clasping smaller figures (children) in their arms. "These figurines would have served as a potent visible reminder of the crucial role of mothers... playing a role in the negotiation of a women's status."[9]

If the child was a boy, the midwife would bury the dried umbilical cord out on the battlefield and pray that he would grow to be a strong warrior who would capture many captives and be victorious over others.[10] "You have been sent into warfare. War is your task. You will give drink, nourishment, food to the sun [god], the lord of the earth."[11] Although the child would not personally remember this ceremony, the ritual established for the first time the expected gender roles, spheres, and ideals that the Aztec expected of their men and women.

These ideals were reinforced through the child's ritual bathing and naming ceremony. Like the Christian concept of baptism, the midwife who had attended the birth would ritually bathe and name the baby a few days after the birth. This ritual was coupled with the utilization of miniature tools with which the child was encouraged to interact. For a boy, the midwife would

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[7] Manuel Aguilar-Moreno, *Handbook to Life in the Aztec World* (New York: Facts on File, 2006), 355.
[8] Florentine Codex, cited in Rosemary A. Joyce, "Chapter 5: Becoming Human Body and Person in Aztec Tenochtitlan," *Gender and Power in Prehispanic Mesoamerica*, (Austin: University of Texas Press, 2000), 147.
[9] Lisa Overholtzer, "So That the Baby Not Be Formed Like a Pottery Rattle: Aztec Rattle Figurines and Household Social Reproductive Practices," *Ancient Mesoamerica* 23.1 (2012): 69.
[10] Aguilar-Moreno, *Handbook*, 355.
[11] Florentine Codex, cited in Joyce, "Chapter 5," 147.

place a small shield and bow and arrows into his hand and encourage him to look toward the realm of "those who died in war." This clearly set the child onto a path that would lead to the public and masculine role of warrior. On the other hand, the parallel ceremony for baby girls implied a different future.[12] For a girl, the midwife would place miniature replicas of the "equipment of women—the spinning whorl, the weaving sword, the reed basket, the spinning bowl, the skeins, the shuttle, her little skirt, her little shift" in her hands.[13] By interacting with these objects, essentially gendered toys, a child would begin to become an active participant in Aztec society and in the reinforcement of these different gender ideals.

Marriage was another life cycle ritual whose participation both reestablished and enforced gender ideals. Marriage was as much a social endeavor as a private one. Before an Aztec boy and girl married, they sought the approval of not only their parents but "the men of the neighborhood and the noblemen."[14] Public opinion was key to any potential match, as marriage represented a union that would both reflect and contribute to the reinforcement of cultural ideals. The ceremony began with a public procession in which the young woman, surrounded by lit torches, was carried on the back of a strong woman to her new household. This reestablished the cultural ideal of the female as belonging to the domestic sphere, since the procession would literally lead her to her new home.

This very public display marked a movement between life stages and served as an example for others. Marriage was the ideal for women, and mothers in the crowd used this opportunity to rebuke their unwed daughters and encourage them to work towards a similarly "responsible" future. The groom was also urged by his mother-in-law at this time to be a proper

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[12] Dodds Pennock, "'A Remarkably Patterned Life,'" 532.
[13] Rosemary Joyce, "Girling the Girl," 476.
[14] Caroline Dodds Pennock, *Bonds of Blood: Gender, Lifecycle and Sacrifice in Aztec Culture* (New York: Palgrave Macmillan, 2008), 93.

husband and support his family. These ritual actions clearly emphasized the male ideal: the strong man who would support and protect his family while bringing honor to his people through taking captives. Private rituals followed in which the bride and groom were tied together by their clothing and speeches were given to them by the elders. Therefore, while marriage was a private event, it also was important for the wider community in terms of reinforcing gender ideals.[15]

In addition to specific life cycle rituals, Aztec children participated in distinct gendered work, which instilled skills suitable for their respective genders. From a young age, Aztec boys and girls spent the majority of their time with their fathers and mothers respectively, "learning how to behave and how to perform the tasks which society determined of their sexes."[16] The different codices describe not only the year to year growth of the physical child, but also of the additional work load expected of the child. The Mendoza Codex shows a girl as young as four years old learning how to spin cotton, a female gendered task.[17] The fact that spinning and weaving was a female gendered task is reflected in the singular usage of female pronouns in the Florentine codex in reference to these tasks.[18] Additionally, female goddesses like Tlzoleteotl, an earth goddess connected with childbirth, sexuality, and healing, were often depicted with a headband of unspun cotton and spindles in their hair. Archeological evidence of highly decorated ceramic spindle whorls suggests that women were proud of their role as weavers and that the production of quality cloth was an important measure of a women's status.[19] The production of cloth helped enforce the domestic domain of the women, as did the cooking and preparation of

food, especially maize. With increasing participation in female gendered roles, Aztec girls soon learned to value the mastery of these domestic skills as a sign of elevated status.

The gendered work of Aztec boys was not as straightforward as the gendered work of Aztec girls. An Aztec boy had two separate masculine gendered paths that he could take. Parallel to the experience of an Aztec girl, Aztec boys would initially accompany their fathers fishing, gathering firewood and learning a trade. However, in addition to this, an Aztec boy was promised from infancy to eventually train in either the "religious schools" (*calmecac)*, where he would to learn to become a priest, or in the "house of youth" (*telpochcalli*), where he would learn to be a warrior. The "house of youth" would also teach him other masculine jobs, the most important of which was the trade of his father.[20] Participation in these acts helped reinforce the male ideal of a public figure who also serves the gods. After all, both warriors and priests would contribute to "feeding" the sun god: priests through religious rituals and warriors through the capture of captives that would later be used as human sacrifices.

The Aztecs believed that the participation of both men and women in their proper gendered tasks was vital to economic and social success, and therefore failure to participate resulted in punishment. Children were conditioned by their parents from a young age to cooperate in the prosperity of their community. Although men were envisioned as warriors and women as spinners and weavers, both jobs were acknowledged as essential for the proper functioning of society.[21] Laziness or disobedience would result in punishments. The *Codex Mendoza* illustrates a punishment where sharp cactus spines were used to prick the skin of an eight-year-old boy. Other illustrations showed beatings or forced inhalation of smoke from

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[15] Dodds Pennock, *Bonds of Blood*, 97, 104.
[16] Dodds Pennock, *Bonds of Blood*, 66-67.
[17] Mendoza Codex, Fol. 59r.
[18] Bernardino De Sahagún, Charles E. Dibble, and Arthur J. O. Anderson, "Book 10," *Florentine Codex* (Santa Fe: School of American Research and the University of Utah, 1979), 35.
[19] Brumfiel, "Asking About Aztec Gender," 71.

[20] Joyce, "Chapter 5," 148.
[21] Kellogg, "The Woman's Room: Some Aspects of Gender Relations in Tenochtitlan in the Late Pre-Hispanic Period," *Ethnohistory* 42.4 (1995): 564.

burning chili peppers.[22] These punishments would help to discourage improper behavior and encourage them to participate in their proper gendered tasks in order to contribute to their families and Aztec society. The severity of these punishments illustrates how important the preservation of gendered tasks was to Aztec society.

The Aztecs strongly believed in the symbolic nature of external appearance. As early as the bathing ceremony, infants were dressed in miniature adult clothing to reflect the separate social spheres and ideals of the man in the battlefield and the woman at home.[23] Aztec children would also emulate adults through distinct hairstyles. Young Aztec girls and boys both kept their hair short; however, around puberty, girls and boys would adopt distinct styles.

> When the women were still young girls, they cut their hair short; but when [they were] grown, when [they were] young women, the hair covered their shoulders; however, the hair over the forehead was cut. And when one was a mature women, when perhaps she also [had delivered] her child, the hair was bound around her head [with two tufts standing up].[24]

These distinct stages helped to mark one's transformation from a girl into an Aztec woman and all that that entails. By wearing their hair up, Aztec women were recognized as full members of society who had fulfilled their ideal gender role of mother and domestic keeper.

Hairstyle was of particular significance to the Aztec male, whose hair was a public testament to his accomplishments or failures as a warrior. While still a small boy, hair was cut close to the head. However, starting at 10 years old a single tuft was grown long and remained long until the boy became a warrior and captured his first captive. Once he took a captive, that tuft was also shorn and a different lock was left to grow. Men who continued as warriors were permitted other hairstyles once they had captured their fourth captive. One's tuft was a sign of shame or pride since one who did not take a captive could not shave it off. For boys and girls, the

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[22] Pennock, *Bonds of Blood*, 67-71.
[23] Joyce, "Girling the Girl," 476.
[24] Sahagún, "Book 10," 178.

passage into adult status was directly accompanied by the adoption of these different hairstyles that required continual maintenance, "ensuring that, although the shared life cycle rituals of childhood were completed, each adult would individually continue to perform disciplines of appearance that were major means through which adult status was formalized, internalized, and externally signaled."[25]

Although there were clear distinctions between the ideal male and the ideal female, both genders were equally valued and celebrated. Those who have dedicated their lives to the study of Mesoamerica culture have often commented on the unique parallelism and duality of the genders in Aztec culture. This duality appears to have originated with Ometoteol, the creator deity who has both male [Ometecuhtil] and female [Omecihuatl] aspects, and from whose union came all subsequent beings.[26] Unlike most patriarchal societies, dual lineage was vital to rights and relationships in Aztec culture and inheritance was passed through both male and female lines.[27] On a practical note, both men and women received equal rations of food regardless of their roles. For example, at 13 years of age a boy who spends his day in his canoe gathering reeds and a 13 year old girl who spends the day learning to grind maize both got 2 tortillas to eat.[28]

Additionally, parallel language is used to refer to both males and females. Men and women achieved "warrior statuses" through the participation in their proper gendered activities, men on the battlefield and women through childbirth. The Florentine Codex describes a good, mature woman as one who is both brave like a man and endures hardships like a man.[29] After giving birth, a woman is viewed as returning exhausted from "battle" and the midwife actually shouts war cries to mark her "capture." A woman's weaving and spinning tool, known as a

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[25] Joyce, "Girling the Girl," 479-481.
[26] Joyce, "Chapter 5," 144.
[27] Dodds Pennock, *Bonds of Blood*, 59.
[28] Kurt Ross, *Codex Mendoza: Aztec Manuscript* (Barcelone: Miller Graphics, 1978), 78.
[29] Sahagún, "Book 10," 51.

"weaving sword," was viewed as synonymous to a man's weapon of war.[30] Other rituals drew a parallel between dying in childbirth and being killed or captured in battle.[31] The Aztecs were arguably more progressive than their European contemporaries in terms of the parallelism and duality of the genders and the equal value given to the sexes.

Through the careful regulation of numerous social and cultural activities, Aztec children grew to be paradigms of their genders. From the moment of birth, Aztec children participated in specific life cycle rituals, gendered work, and body ornamentation to establish and reflect the gender ideals of Aztec culture. Due to the equal value placed on both sexes and their contributions to society, it was vital that Aztec children embraced their proper gender roles, and failure to do so resulted in punishment. Aztec boys participated in many activities that reinforced the gender ideal of a strong masculine warrior, providing for his family and bringing the gods honor through the capture of captives. Aztec girls participated in many activities that reinforced the gender ideal of a domestic, fertile figure that helped to support her family and society through the preparation of food and weaving or spinning cloth. While gender ideals vary from culture to culture, the methods used to condition those ideals into the next generation do not change. Perhaps we are similar to the Aztecs regarding the use of gendered work, body ornamentation and different lifecycle rituals to reinforce our own cultural ideals.

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[30] Joyce, "Chapter 5," 146, 162.
[31] Kellogg, "The Woman's Room," 567.

Mahler: A Jew and his Music

Jonathan Roytenberg

In the middle of the eighteenth century, a social, political, and philosophical revolution occurred throughout Western Europe. The central ideas of this new intellectual movement included personal liberty, rational thought, and the rejection of the old political order. This revolution, known as the Enlightenment, served as the intellectual catalyst for such political uprisings as the American Revolution of 1776 and the French Revolution of 1789.

Jews, especially those living in Western Europe at the beginning of the 19th century, reaped great benefits from this new political order, including their acceptance as citizens in their respective home countries. For many Jews, this raised the question: "How will my Judaism and Jewishness play a role in my life?" European Jews offered diverse answers to this query. Some Jews, such as the Torah scholar Rabbi Moses Sofer, isolated themselves from the new world, erecting social barriers like the physical barriers of the ghettos in which they were previously required to live. Others prioritized the modern world, leaving their Judaism behind. The family of Felix Mendelssohn, a renowned composer, even converted to Christianity. Yet Jewish leaders such as Rabbi Samson Raphael Hirsch sought to embrace the modern world while maintaining fidelity to traditional life. Austrian-Jewish composer Gustav Mahler and others like him were aware of this tension, and they expressed their Jewish identity through their music. This paper will focus on Mahler's music and will analyze how his Jewishness appears in it.

Gustav Mahler was born on July 7, 1860 in Kalište, Bohemia, then part of the Austrian Empire, to a German-speaking Austrian-Jewish tavern keeper. Within months of his birth, the family relocated to nearby Jilhava, where Mahler would spend the greater part of his childhood and adolescence. Before his death in 1911 from heart failure at the age of fifty, he would embark on a career that led him to the position of Music Director at the Vienna Opera House from 1897 until 1907. He composed nine symphonies and forty songs, most of which were largely ignored for fifty years after his death.[1] Mahler was outcast for multiple reasons. He is famously quoted by his wife as saying: "I am three times homeless: as a Bohemian among Austrians, as an Austrian among Germans, and as a Jew throughout the world."[2]

Most of the literature from Gustav Mahler's time looks at his work in a negative light, precisely because of his Jewishness in the eyes of the Austrian population. According to Susan M. Filler,

> a combination of his fame as composer and conductor with the effects of longstanding anti-Semitism in the German-speaking countries results in a wide spectrum of musicological writings addressing the effect of his Jewish background on his work. Anti-Semitic commentary on Mahler's work, begun in his own lifetime, is widely known, but pro-Semitic and neutral assessment has not been afforded comparable study by present-day historians. This is unfortunate, since positive representations of the effect of Mahler's Jewish identity on his work have a longer history in the Mahler literature than those others which, essentially, ended with the Third Reich.[3]

Several contemporaries of Mahler wrote extensively about his Jewishness. This quote is translated by Susan M. Filler from the original German-language essay by Richard Batka:

> Among German Jews, so far as they are assimilated, severe anger is aroused; they do not perceive that they have established inclusion in the [German] race, and among themselves involves not so much anger as something like an indirect reproach that the process of assimilation is not yet accomplished. And because the less sympathetic characteristics rather than good ones in this race are generally comprehended as 'Jewish' qualities, the characterization 'Jewish' arouses direct annoyance among Jews... Certainly, the conflicts in [Mahler's] art are colored by his Jewish psyche. But we can all empathize with the human therein, which we feel as a deep German yearning for home in the forest and meadow, among the stone edifices of the big city.[4]

[1] Deryck V. Cooke, "Gustav Mahler," *Encyclopedia Britannica Online*, https://www.britannica.com/biography/Gustav-Mahler.

[2] Alma Mahler, *Erinnerungen an Gustav Mahler*/Gustav Mahler, *Briefe an Alma Mahler*, (Frankfurt-am-Main, Berlin: Ullstein, 1971), 137.

[3] Susan M. Filler, "Mahler as a Jew in the Literature," *Shofar: An Interdisciplinary Journal of Jewish Studies* 18.4 (2000): 62-78.

[4] Richard Batka, "Das Jüdische bei Gustav Mahler," *Kunstwart* 23 (1910): 97-98.

The evidence suggests that one would encounter difficulty in finding an unbiased analysis of Mahler's work when surveying Mahler's contemporaries. Most objective analyses appear in the second half of the twentieth century, when Wagner's influence on Western musical thought waned as Mahler's music was widely recognized. This paper will focus on one such analysis.

One must first ask: What makes music Jewish? Talia Pecker Berio poses the question differently:

> Is there such a thing as Jewish aesthetics? Or, to what extent and by what means is it possible to trace Jewish roots, ideas, and idioms in the music of Jewish (and non-Jewish) composers, and what are the methodological and ideological limits of tracing them?[5]

Berio then argues that, in the context of Gustav Mahler's music, the traditional identifiers of "the use of distinct musical and textual materials, by subject (biblical, historical, and traditional Jewish folklore), by context (liturgical or ritual), or by a declared poetic choice" can be excluded. In general, the "Jewish intention" is explicit and "its external manifestation (a title, a text, a descriptive program) does not always correspond to a distinctive musical style or choice."[6] In the case of Mahler's music, on the other hand, the Jewish aesthetics are implicit.[7]

A comparison of Mahler's music to that of Schoenberg and Mendelssohn clarifies this point. Felix Mendelssohn, baptized at the age of nine and raised among the assimilated German-Jewish elite, benefited from living in the most "linguistic" phase in the history of Western music. His contribution to said music maintained a delicate balance between the traditional artistic sounds of the 18th century Classical era and the innovative sounds of the Romantic era. His attitude to religion resembled this balance. As Berio writes, "His oratorios, *Elijah* in particular, convey a profound faith in a sort of a new age, nonpartisan religion that finds in music its truest

and utmost expression…an unmistakable awareness of the non-conflictive plurality of his roots transmits itself, the music, and the choice of subject and form."[8]

Schoenberg's story provides a stark contrast to that of Mendelssohn. If the latter represents the dream of the emancipation of European Jewry from the ghetto walls by integrating into European society, the former exemplifies the shattering of that dream. Like Mendelssohn, Schoenberg converted to Christianity in 1898. His conversion back to Judaism in 1933 is emblematic of how the dream of Jewish emancipation failed at that time. Schoenberg's artistic development reflected this change: what was once an "early passionate search of continuity and renovation"[9] within the Western musical tradition is replaced with a radical break. He was entirely conscious of his origins as a European Jew, and this consciousness is amply reflected in his musical thinking. Schoenberg first deals with a biblical subject in the unfinished cantata *Jakobsleiter* (1915-1926). From this point forward, his aesthetics became more pronouncedly Jewish. However, as Berio explains, his music contained no distinct voice that "lends itself to be described as Jewish."[10]

Mahler presents a completely different case. In Mahler's time, assimilation had peaked, but was already threatened by latent anti-Semitic undercurrents, which affected him directly. He had hoped that his conversion to Catholicism would immunize him from such racism, but that hope was extinguished as his Judaism still marked him as different in the eyes of the Europeans. With that said, he did not live under the Nazi regime of Adolf Hitler like Schoenberg did. Thus, he did not have the same opportunity to assume a full consciousness of his Jewish identity and hence did not make the ideological and political choices associated with it. While both musicians possessed substantially similar musical backgrounds, the fourteen years that separated them

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[5] Cited in Karen Painter, *Mahler and His World*, (Princeton, NJ: Princeton University Press, 2002), 91.
[6] Painter, *Mahler and His World*, 91.
[7] Painter, *Mahler and His World*, 92.

[8] Painter, *Mahler and His World*, 90-91.
[9] Painter, *Mahler and His World*, 93.
[10] Painter, *Mahler and His World*, 93.

would prove vital. Mahler's music from his final years displays progressive awareness of the impending moral abyss that would consume a huge portion of European Jewry more than 20 years after his death. Yet, unable to withdraw, he navigates vigorously against the current, sailing upstream. Berio eloquently says that Mahler "is at once within and without. There is something profoundly Jewish in this existential attitude."[11]

How, then, can Mahler's work be considered "Jewish?" Perhaps this could be the case in light of the following: Jewishness is not a monolithic set of beliefs or practices, but rather, it is a polyphony of religious thought, belief, and practice. This polyphony can take many shapes, but, according to Berio, the concepts of distance and commentary relate to Mahler.[12]

The Second Commandment states: "thou shalt not make unto thee any graven image, or any likeness of anything that is in heaven above, or that is in the earth below..."[13] This prohibition of figuration was enforced by expulsion of the Jewish people from the Land of Israel. In traditional Jewish homes, the eastern wall of the house bears a decoration containing Hebrew letters, an example of a non-figurative symbol keeping the memory of Jerusalem alive. This memory of Jerusalem alludes to the previous point: distance. A running theme throughout Jewish history has been that of otherness, of non-belonging to a location that was forced onto them. From the Israelite enslavement in Egypt to the mass Jewish expulsion from Spain, the story of the Jewish people has often consisted of Jews being forcibly relocated to a foreign land where their neighbors did not treat them as brothers. Even by the end of the nineteenth century, when the process of assimilation in Europe seemed complete, there was always that degree of

cautiousness, regret, and hidden contempt that separated those of Jewish lineage from the rest of European society. Mahler is hardly an exception to this rule.[14]

The second of the two Jewish ideas that describe Mahler's music is that of commentary. Mahler's worldview appears transcultural, meaning he observed the world and described it with his own metaphors.[15] His music represented a cosmopolitan outlook at a time of increasing nationalist trends among his contemporaries.[16] Berio describes his world as:

> A huge sphere with a gate through which a multitude of creatures and experiences flows in from the outer world: nature and man…choirs and klezmer and military bands, simple tunes and sophisticated masterpieces, popular proverbs, masters of thought, and ancient poets…When the gate is shut the living mass that has gathered in the sphere takes on an autonomous life; its inhabitants are put into a new orbit and lose their original physiognomy…Nature is never realistically depicted; folk tunes never appear undisguised…[17]

She refers to this process as distancing: commenting on reality without any form of representation.[18] While every one of Mahler's works creates its own world, each represents part of a greater whole.[19]

Commentary stems from the very essence of Jewish thought. As Kafka wrote in a letter to Franz Werfel that he may never have sent, "Judaism has always produced its pains and joys almost simultaneously with the Rashi comment that goes with it." Several books of the Tanakh reprint and reinterpret earlier episodes and laws, such as Deuteronomy and Chronicles. The Talmud is also composed of a vast array of commentary. One genre of this commentary is the *mashal*, a set of parallels between a fictional event and a real one, which is used in exegetical contexts, known as *Midrash*.[20]

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[11] Painter, *Mahler and His World*, 93-94.
[12] Painter, *Mahler and His World*, 94-95.
[13] Exodus 20:4.

[14] Painter, *Mahler and His World*, 94-96.
[15] Painter, *Mahler and His World*, 96.
[16] Painter, *Mahler and His World*, 67.
[17] Painter, *Mahler and His World*, 96.
[18] Painter, *Mahler and His World*, 96.
[19] Painter, *Mahler and His World*, 97.
[20] Painter, *Mahler and His World*, 97-98.

The technique of repetition is used in the Midrashic reading of Talmudic text, developing into somewhat of an art form unto itself with its own rhetorical style. The process, beginning with a question, can carry on indefinitely until the issue at hand is resolved. Berio sees Mahler's music as a reflection of this logical and theological process, which embraces the text as reality and reality as a hypertext to be interpreted "in its most minute ingredients, with no distinction between...the holy and the profane..."[21] Furthermore, his music crafts parables that invite interpretation. "His many voices seem to demand to be recognized...to be related to their source and to one another."[22] She sees this as "the ultimate and truly indispensable Jewish element in Mahler's music, [because] like the Jewish parable, it tends to imply the parallel rather than explicate it, [and] it actively elicits from its audience the solutions of its meaning, or what we call its interpretation."[23]

Though one may glean from Mahler's work stylistic influences that are undeniably Jewish, it is the philosophical significance and the way his music is "read" that is truly Jewish. Through these ideas, Mahler's Jewish identity expresses itself in his music.

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[21] Painter, *Mahler and His World*, 98.
[22] Painter, *Mahler and His World*, 98.
[23] Painter, *Mahler and His World*, 98.

A Brief History of *Haskamot*:

Origins, Usages, and Reception of Approbations in Jewish Books

Jared Rutner

A standard feature of the modern Jewish religious book is a preface[1] with letters from authority figures, known as *Haskamot,*[2] which act as "approbations" or "agreements"[3] to the content of the book and to the distinction of the author. However, as Ludwig Blau points out, "neither the Bible nor the Talmud nor the medieval Jewish literature knows of approbations. No prophet ever asked for the consent of any authority to his promulgations."[4] *Haskamot* are conspicuously absent from classical Jewish works, not appearing until the turn of the 16th century, when the first *Haskamah* was printed in the Halachic work known as the *Agur* by Jacob Landau.[5] Their introduction in this period is not a simple matter of chance and can be traced to a few historical influences during the late 15th century. While presently *Haskamot* primarily serve as a commendation of a book's content, historically, *Haskamot* also functioned as de-facto copyright protection and as a means of censorship.

A significant historical factor of the introduction of *Haskamot* as a feature in Jewish books was the invention of the printing press by the German publisher Johannes Gutenberg in the mid-15th century.[6] Before the advent of the printing press, book publication was an expensive and laborious process, entailing the hand-transpiration of works on materials such as papyrus or parchment.[7] Authors and publishing houses were not concerned that their work would be stolen and printed elsewhere, due to the immense effort and expense required to republish and distribute the book. With regards to censorship, while the existence of heretical works often posed a problem for religious bodies, the immense time and expense of publishing served as a major barrier to those looking to print blasphemous works.[8]

Mass operation of the printing press across Europe over the remainder of the 15th century, however, produced more precise, cheap, and quick printing. Although Gutenberg's method of moveable type printing led to the democratization of knowledge, the efficiency of the printing press allowed people to easily re-publish someone else's work under their own name in a region distant from the original publishing location, free from concern that they would be revealed as forgers. Furthermore, those looking to develop and spread heretical works now had access to the printing press to more easily disseminate their ideas.

Before the Jewish community began to address these consequences of the printing press, the Catholic Church, combatting the spread of heresy, suggested that books of Christian theology include a page, signed by clergymen, stating that they had read and approved of the material in the work. The first recorded approbation in a Christian work was in "Nosce te ipsum,"[9] which was published in Venice in 1480 with the approval of four different priests. By 1515, Pope Leo

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[1] Interestingly, when *Haskamot* originally appeared, they were not typically located in the beginning of the book. Rather, they were inserted at the end of the book, only placed in the opening section of books following the introduction of a title page in the late 16th century. I found this point in source mentioned in footnote 3.

[2] In this essay, I use a broad definition for the term *Haskamah*. I consider any page printed within a given book that acts to authenticate, validate, or serve as copyright for the book's material as a form of *Haskamah*. Furthermore, I consider notes that serve these purposes written by non-rabbinic and even non-Jewish figures such as doctors or Christian clergyman to count as *Haskamot*. My only criterion is that the given approbation be for a book authored by a Jew, about Jewish religious studies, to count as a *Haskamah*.

[3] Fred Skolnik and Michael Berenbaum, *Encyclopaedia Judaica*, 2nd ed. (Farmington Hills, Mich.: Thomson Gale, 2007), 8:444-445.

[4] Ludwig Blau, "The Pope, the Father of Jewish Approbations," *The Jewish Quarterly Review* 10.1 (1897): 175.

[5] Skolnik and Berenbaum, *Encyclopaedia Judaica*, 444-445.

[6] Hellmut E. Lehmann-Haupt, "Johannes Gutenberg," *Encyclopedia Britannica*, https://www.britannica.com/biography/Johannes-Gutenberg

[7] "Books Before and After The Gutenberg Bible," *Harry Ransom Center*, http://www.hrc.utexas.edu/educator/modules/gutenberg/books.

[8] Isadore Singer, *The Jewish Encyclopedia: A Descriptive Record of the History, Religion, Literature, and Customs of the Jewish People from the Earliest Times to the Present Day* (New York and London: Funk & Wagnalls Company, 1906) 8:27.

[9] Singer, *Jewish Encyclopedia*, 8:27.

X required that books printed in any Catholic country receive an approbation before publication to ensure the validity of the work.

Influenced by the appearance of approbations in Christian books, Jewish works included *Haskamot* by the end of the 15th century and into the beginning of the 16th century to battle the increasing vulnerability of manuscripts to thievery and to prevent the spread of heretical works. This common, original form of approbation in Jewish books served as de-facto copyright protection for the author and publisher.[10] *Haskamot* of this nature were generally written by a "rabbi from a rabbinical court or by a famous person" to ensure that people followed the injunction in the approbation out of respect for the rabbinical figure or fear of reprisal from the court.[11] These *Haskamot* usually forbade the republication of the book without explicit permission from the author or publisher for a period of time ranging from five to 25 years following its original publication. If one were to violate this injunction, the punishment expressed in these *Haskamot* ranged from heavy fines to excommunication. These penalties extended not only to those who illegally republished books, but also to those who bought them.

The second-oldest documented *Haskamah*, found in R. Elijah Levita's *Bahur*,[12] a work on Hebrew grammar published in 1518, is a quintessential example of "copyright" approbation. Levita himself had suffered a decade earlier from neglecting to pursue a *Haskamah* of this sort for his commentary on the *Mahalach Shevilei Hadaath,* a Hebrew grammar textbook written by Rabbi Moshe Kimchi.[13] Levita had fallen sick and was unable to personally oversee his commentary's publication, instead leaving a sample manuscript for safekeeping with a student.

[10] Leopold Löwenstein and Shlomo Eidelberg, *Mafteaḥ Ha-Haskamot =: Index Approbationum*. (Lakewood, N.J: I.C.C., 2008), V.
[11] Singer, *Jewish Encyclopedia*, 8: 27.
[12] Singer, *Jewish Encyclopedia*, 8:27.
[13] Nissan Mindel, "Rabbi Elijah Levita - Bahur," *Chabad,*
http://www.chabad.org/library/article_cdo/aid/111922/jewish/Rabbi-Elijah-Levita-Bahur.htm

Unfortunately, the student proceeded to print the commentary under someone else's name, which prompted Levita to ensure that his rights to his future books were well-protected.

A translated portion from the *Bahur*'s *Haskamah* reads as follows:

> It commences with an appreciation of the value of these books, dwells on the expense incurred in the printing, and then threatens with excommunication any one who should dare to reprint them within the next ten years.[14]

This approbation clearly warns against the illegal republication of the *Bahur,* acting as valid protection of Levita's rights to his book.

Copyright *Haskamot* proved vital for publishers who worked to release updated versions of classical works, such as the Talmud or Maimonides's *Mishneh Torah,* with modified page formats or additional super-commentaries. For example, in 1708, Zevi Hirsch Koidanovor published updated versions of a few tractates of the Talmud, *Gittin* and *Pesahim,* in which he added many new features including source references for Tosafot and a *Kizzur Piskei ha-Rosh*.[15] To accompany his version, he included a threatening *Haskamah* from R. Naphtali ben Isaac ha-kohen Katz, who was the rabbi of Frankfort on the Main and *Av Bais Din* of Posen. A translated portion of the *Haskamah* states:

> Therefore, I decree a [excommunication, ban, and anathema] on all printers in all locations, that no one should infringe upon his right by printing this tractate…for a period of six consecutive years from the day that this printing was completed…. And it is not sufficient that a transgressor will fall under the curse of one who encroaches upon his neighbor's rights, but he should be also be subject to all the 99 curses in the Torah, [and he will] be bitten by the snake [the ban] of the rabbis, for which there is no cure (Shabbat 110a).[16]

[14] Singer, *Jewish Encyclopedia*, 8:27.
[15] Marvin J. Heller, *Printing the Talmud: A History of the Individual Treatises Printed from 1700 to 1750* (Leiden: Brill, 1999), 39.
[16] Heller, *Printing the Talmud*, 40-43.

This *Haskamah,* threatening not only excommunication but also "the 99 curses in the Torah," helped Koidanovor to prevent the republication of his version of the Talmud and to protect his investment in this edition.

While acting as the provider of copyright *Haskamot,* the rabbinical community voiced differing opinions on many aspects of these *Haskamot,* especially regarding their usage to protect those who published newer editions of classical works. Figures such as R. Moshe Isserles and R. Moshe Sofer were strong proponents of copyright approbations. In his responsa, R. Sofer explains that

> If we were not to close the door in the face of other publishers [i.e. prohibit competition], which fool would [undertake the publication of Judaica and] risk a heavy financial loss [lit., a loss of several thousands]? The publication [of Jewish works] will cease, G-d forbid, and Torah [study] will be weakened. Therefore, for the benefit of the Jewish people and for the sake of the exaltation of the Torah, our early sages have enacted...[17]

According to R. Sofer, these approbations served not only to financially assist publishers but also to ensure that the Jewish people remain familiar with the works of the Torah.

Others, however, felt that this form of approbation led to the opposite effect. Rabbi Mordechai Benet, in direct response to this opinion of R. Sofer, argued that these protectionist *Haskamot* gave a monopoly to the publishing house who received a *Haskamah* first, allowing that publisher to charge artificially high prices. If these approbations were abandoned and a free market ensued, other publishers would also print a given work, driving down its price.[18] Consequently, Benet argued, more Jews would be able to afford the work, thereby increasing their knowledge of Torah principles. Similarly, R. Moses Hagiz, an 18th century rabbi and a prominent leader of the Amsterdam community, wrote in his *Mafteach Ha-Zohar* that those who

require approbations in order to republish classics "lock the doors in the face of those who come to publish." According to Hagiz, "the Jewish classics... [should] be printed annually until every Jew owned a copy—even those who don't know how to 'open' them."[19] Thus, Hagiz echoed Benet's critique of copyright *Haskamot*: they were preventing less fortunate Jews from affording sets of classical Jewish works.

Aside from copyright purposes, *Haskamot* were also historically used as a form of censorship of heretical Jewish works. As mentioned previously, the invention of the printing press increased the production of heretical works due to the new and easier printing process. To address this issue, rabbinical councils employed "license" *Haskamot* to censor not only "internal" heresy, works that contradicted Jewish beliefs and practices, but also "external" heresy, statements or thoughts that other religions might find objectionable. Censorship of the latter was primarily driven by fear that "external" heresy would result in violence against Jews.

License *Haskamot* pertaining to "external" heresy were prevalent in the middle of the 16th century, when Catholics throughout Europe were burning Jewish books due to perceived heretical content. In 1553, Pope Julius III went so far as to ban all copies of the Talmud belonging to the Jews due to his objection to some of its material.[20] In order to prevent further violence against Jews, rabbinical councils across Europe, beginning with the council in Ferrara, Italy, in 1554,[21] required that all Jewish books receive a *Haskamah* certifying that they were free of material that Catholics could use as justification to harm Jews. The Ferrara council required *Haskamot* to be signed by three different rabbis and by the president of the local congregation,

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[17] Israel Schneider, "Jewish Business Ethics: Jewish Law and Copyright," *Jewish Virtual Library,* http://www.jewishvirtuallibrary.org/jsource/Judaism/copyright.html
[18] Of course, R. Bennet does not use these modern economic terms. However, I think they most accurately reflect his argument and as a result, I choose to use them to explain his argument.

[19] Elisheva Carlebach, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversies* (New York: Columbia University Press, 1990), 72-73.
[20] Singer, *Jewish Encyclopedia,* 8:27.
[21] Singer, *Jewish Encyclopedia,* 8:27.

enacting a fine of "25 gold scudi ($24.25)" for anyone who bought a book without an approbation.[22]

Nonetheless, due to the perceived Christian origin of the license *Haskamah* and the fear that authentic Jewish doctrine would be diluted, many Jews, especially in Italy, did not support this innovation, refusing to publish these approbations in their books. Even in Ferrara, where the mandate requiring these *Haskamot* originated, books were deliberately released without rabbinic approbation, such as Shem-Ṭov's *Sefer ha-Emunot*, published in 1557.[23]

Although license *Haskamot* regulating "internal" heresy became standard following the advent of the printing press, the heretical Sabbatean movement of the 17th and 18th centuries precipitated more widespread usage of this form of *Haskamot*. For example, in R. David Lida's *Yad Kol Bo*, the author received *Haskamot* from two different rabbinic councils, including one from the Polish Council of the Four Lands.[24] Lida had been accused of Sabbateanism and was forced to resign from his position in Amsterdam.[25] As a result, Lida was essentially required to obtain approbations to verify his credibility before publishing any new works.

Ultimately, *Haskamot* were unable to completely prevent the publication of heretical works. However, they succeeded in reducing the number of heretical works published and delegitimized those that were released. Even if a given heretical work was published, people would instantly recognize the book as problematic due its lack of rabbinical approbation; Jews would understand that the work did not abide with traditional rabbinic standards. Concerning the "external" issue of heresy, Catholic officials would similarly see works with rabbinical

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[22] Singer, *Jewish Encyclopedia*, 8:27.
[23] Singer, *Jewish Encyclopedia*, 8:27.
[24] While I could not find it in any accessible manuscript, according to R. Ari Enkin, this book also includes an approbation from a Catholic priest certifying that it did not contain any information objectionable to Catholic theology. Besides rabbinical councils reviewing books, receiving a *Haskamah* from a Catholic clergyman was another way to ensure that that local Catholics did not protest a given Jewish book. See Ari Enkin, "Haskama Letters – Part I," *Torah Musings*, http://www.torahmusings.com/2011/07/haskama-letters-part-i/.
[25] Singer, *Jewish Encyclopedia*, 4:460-461.

approbations as unthreatening, relying on the notion that rabbinic councils wanted to protect their constituencies from Christian violence by thoroughly reviewing the content of recently published works.[26]

Haskamot have most famously been used to laud the quality of a book and to praise the character and distinguished status of its author. While *Haskamot* used for copyright and censorship purposes were printed primarily due to rabbinical concerns, the "commendation" *Haskamah* was chiefly an initiative of eager authors who desired not only the adulation of a respected rabbinical figure but also strong sales of their books, which would result from obtaining a *Haskamah*.

The content of commendation *Haskamot* widely varied, usually in relation to the amount of time that a given reviewer spent studying the book. Some *Haskamot* contained highly specific comments about the book, the character of the author, and occasionally a few footnotes to the book's ideas, indicating a thorough reading of the book by the individual providing the *Haskamah*. On the other hand, as *Haskamot* became more commonplace, rabbinical figures received constant requests to approve soon-to-be published works. As a result, while many rabbis simply approved a smaller proportion of books they received, many others would write *Haskamot* without having read the work. Instead, these rabbis would admit in their *Haskamot* that although they had not read the book, since they knew the author as a pious and well-respected figure, by extension the content of the book would likely live up to those standards.

The first ever documented *Haskamah*, found in the *Agur*, a summary of the first two parts of the *Tur* by Jacob Landau printed in 1491, exemplifies commendation *Haskamot*. A translated portion of the *Agur*'s *Haskamah* states:

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[26] Ari Enkin, "Haskama Letters – Part I," *Torah Musings*, http://www.torahmusings.com/2011/07/haskama-letters-part-i/.

I have examined the work submitted to me by the Reverend Jacob Landau, who has produced, under the title '*Agur*,' a collection of the laws touching the daily ritual and that of the festivals and all that is permitted or prohibited thereon, together with all matters belonging thereunto. It is a work which 'giveth pleasant words' concerning the customs and observances and the decisions upon them by expert scholars; and therefore have I set my signature unto 'these droppings of the honeycomb,' these words of beauty.[27]

This *Haskamah* clearly highlights the merits of the *Agur* and to some extent praises the author, labeling him as "Reverend."

Haskamot that merely attested to the good character of a book's author, as opposed to its content, usually conveyed an accurate perception of the work, since the quality and validity of the book typically reflected an author's character. At times, however, this minimalistic approbation produced grave consequences. Forgeries and misrepresentations were well-received by the Jewish community because of negligent *Haskamot*. An infamous example relates to R. Yechezkel Landau's *Haskamah* to the *Besamim Rosh*, a manuscript of a responsa purportedly by R. Asher ben Yehiel. Soon after the *Besamim Rosh*'s publication, numerous discrepancies between the supposed positions of R. Asher in the *Besamim Rosh* and his positions in his previously published commentary on the Talmud became evident.[28] The news soon broke out that the *Besamim Rosh* had been forged by R. Saul Berlin, the rabbi who had claimed to discover the manuscript in 1793 and had even written a commentary on it entitled *Kasa D'harsena*.

In his approbation from the original edition published in Berlin in 1793,[29] R. Landau stated that he had been sick and as result did not have the chance to read the book. However, he continued to say that there would be little need for him to give an approbation to the portion

[27] Singer, *Jewish Encyclopedia*, 8:27.

[28] While there is some disagreement as to its status as a forgery, I went with the opinion of it as a forgery as was concluded in my source. Yosef H. Yerushalmi, Elisheva Carlebach, John M. Efron, and David N. Myers, *Jewish History and Jewish Memory: Essays in Honor of Yosef Hayim Yerushalmi* (Hanover: University Press of New England [for] Brandeis University Press, 1998), 80.

[29] "Besamim Rosh," *HebrewBooks*, www.hebrewbooks.org/1128.

attributed to a great sage such as R. Asher. Even for the part explicitly written by R. Berlin, R. Landau assumed that due to R. Berlin's immense greatness, the book's content must be meritorious since "everyone knows that he would not release [a book]…that was not *metukan* (proper)." Thus, until other rabbinical figures such as R. Mordecai Benet began reading the *Besamim Rosh* and pointing out its flaws, this inadequate *Haskamah* resulted in the temporary legitimization of a forgery.[30]

As with other forms of *Haskamot*, the commendation *Haskamah* had its detractors within the rabbinical community. R. Jonathan Eybeschutz, a leading European rabbi in the 18th century, exclaimed in his *Kereti u-Peleti* that he disapproved of this form of approbation because

> it is known that approvers have the custom of portraying the authors with eulogies and praising them highly with foolish expectations. Why should I, an ignorant man, awaken praise? Therefore, my silence is better than my speech.[31]

R. Jonathan Eybeschutz was essentially bemoaning how *Haskamot* had become a channel through which approvers heaped praise on undeserving authors. In his book *Pele Yoetz*, R. Eliezer Papo also derided authors who sought this form of *Haskamah*, casting them as full of *"ga'va,"* arrogance, since they clearly desired the approbation simply for the adulation and were apathetic about genuine feedback from the rabbinical approvers of their books.[32]

Arising in Jewish books at the end of the 15th century due to a slew of coalescing historical trends, *Haskamot* left an indelible impact on the composition of the Jewish book. Alternately serving as copyright, license, and commendation, *Haskamot* were used for numerous purposes throughout the ages. While the reception of Haskamot surprisingly varied in the rabbinic community, the lasting usage of *Haskamot* intimates the overall rabbinic satisfaction

[30] Singer, *Jewish Encyclopedia*, 3:83-84.

[31] Leopold Löwenstein and Shlomo Eidelberg, *Mafteah Ha-Haskamot =: Index Approbationum*. (Lakewood, N.J: I.C.C., 2008), VI.

[32] Ari Enkin, "Haskama Letters – Part II," *Torah Musings*, http://www.torahmusings.com/2011/07/haskama-letters-part-ii/.

with *Haskamot*. As a result of further innovations in printing methods and in the development of modern copyright laws, however, *Haskamot* are no longer used as a form of copyright protection. Similarly, due to the abatement of Catholic reprisals against objectionable material in Jewish works, *Haskamot* are no longer mandated by current rabbinical councils out of concern for Jewish safety. Today's *Haskamot,* however, continue to glorify the merit of a book's content and to laud its author, and will likely remain a standard feature of Jewish works for the foreseeable future.

Religious Lessons and Nationalistic Pride:

Henry of Huntingdon's *History of the English People*

Arthur Schoen

In the prologue to his *Historia Anglorum*, which covers the history of England until 1154, Henry of Huntingdon explains why he wrote his history. He tells us that Bishop Alexander of Lincoln commissioned the writing of this book, charging Henry "to narrate the history of this kingdom and the origins of our people." Henry also writes that the study of history gives the student a great opportunity to understand what is "right and proper." The Bible depicts great people and great deeds as well as wicked people and wicked deeds; consequently, studying Scripture teaches us how we should act and how we should not act. The same holds true, says Henry, with the study of history. When students of history look carefully at what has transpired —and even at contemporary events—they see what deeds and which people God has favored or despised. For Henry, history, like Scripture, teaches students how to behave properly and how to conduct their lives. As he writes, "it is quite common for the path of history to lead us straight back to moral purity."[1]

In his prologue, Henry seems to identify two very different goals of his historiography: to record the history of the English kingdom and people, and to comb through history to find lessons about proper and improper behavior. In this paper, we will examine *Historia Anglorum*, building on what Henry delineated in his prologue to see how those two goals manifest themselves in the work and to consider how they intersect.

The prologue frames the entire enterprise of Henry's composition in terms of the potential for extracting religious and moral lessons from history. This, then, is Henry's major goal in his history: to record the history of England in a way that shows his readers what they can learn from history and how they can understand the proper way to live based on his religious-moral perspective on history.

The conception of historiography as a vehicle for religious instruction seems to have been an outgrowth of Henry's upbringing. Henry was raised in the Church, where he lived his entire life. His father, Nicholas, served as the first archdeacon of Huntingdon and as a canon of Lincoln, and Henry filled those positions after Nicholas's death. At age 12, Henry was sent to Lincoln, where his patron was Robert Bloet, the bishop of Lincoln; Bloet's successor, Alexander, was the one who instructed Henry to write a history of England. Henry's training and worldview were deeply religious, and they found expression in the way he wrote about history.[2]

Henry's religious beliefs pervade the entire *Historia Anglorum*. From the beginning of the work we see that he readily perceives the hand of God in history. Examples abound in the book's early pages: "It is clear that this happened at God's command, so that evil would befall the ungodly." "God made sport of them." "[By] God's will…their preparations came to nothing."[3] These passing references to divine intervention seem to indicate that Henry believed that every event results directly from the will of God. Apparently, Henry also believed that humans can understand God's actions in a particular incident.

Let us look at a few of the myriad cases in which Henry explains how he understands God's intervention in various episodes. Henry conceptualizes the five historical invasions of England—first by the Romans, second by the Picts and Scots, third by the Angles and Saxons, fourth by the Danes, and finally by the Normans in 1066—in religious terms. "Following Old Testament models…and using ideas in Bede, Henry saw the invasions as five punishments or

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[1] Henry of Huntingdon, *The History of the English People 1000-1154*, trans. Diana Greenway (New York: Oxford University Press, 2002), 3-4.

[2] It is significant to note that Henry wrote his history in Latin, which at his time was primarily the language of the clergy (Greenway). This suggests that he wrote mainly for an audience that shared his religious orientation.
[3] Henry of Huntingdon, *History*, 6, 9, 30.

plagues inflicted by God on a faithless people."[4] Henry particularly focuses on the Norman invasion, which occurred just twenty-two years before his birth, writing that "the Lord, the Ruler, brought to fulfilment what He had long planned for the English people: He delivered them up to be destroyed by the violent and cunning Norman race."[5]

In IV.27, Henry relates that the powerful French and German armies fighting in the First Crusade were defeated in battle while a smaller naval Crusader force was successful in its efforts to capture Spanish cities. When considering how this could have happened, Henry eschews "natural" explanations, writing instead that whereas the French and Germans were sinners, the naval warriors were humble, and that was why God helped them in their Crusade. In a similar quasi-Biblical explanation, Henry in IV.34 describes a victory of King Henry II in terms that evoke the Biblical Book of Joshua with its descriptions of the victories of the Jewish armies conquering the land of Israel.

Another example appears in II.23, when Henry tells the story of the death of Godwine, the father-in-law of the English King Edward the Confessor (r. 1042-1066). Godwine, who knew that Edward (rightfully) suspected him of treachery, sat next to Edward at a meal and guaranteed his loyalty to the king: "[If] the God of heaven is true and just, may He grant that this little piece of bread shall not pass my throat if I have ever thought of betraying you." Sure enough, writes Henry, "the true and just God heard the voice of the traitor, and in a short time he was choked by that very bread, and tasted endless death."[6] Diana Greenway notes that this same account of Godwine's death is found in the earlier *Anglo-Saxon Chronicle*,[7] but without Henry's

[4] Diana Greenway, introduction to Henry of Huntingdon, *History*, xx. On Henry's use of Bede—an important early English historian—see below in this essay.
[5] Henry of Huntingdon, *History*, 24.
[6] Henry of Huntingdon, *History*, 22.
[7] For the purposes of this paper, references to the *Anglo-Saxon Chronicle* do not consider the various manuscripts and editions of the text.

explanation of Godwine's death that evokes the New Testament story of The Last Supper. This example is typical of Henry's approach, as he tries to find divine explanations for the historical events he records.

James Plumtree points out that when Henry sought to discover the reasons for God's rewards and punishments, he followed in the tradition of earlier historical works such as Bede's *Historica Ecclesiastica Gentis Anglorum* and the *Anglo-Saxon Chronicle*. Thus, for example, when describing the death of William the Conqueror, the *Anglo-Saxon Chronicle* gives a moral-religious explanation of his death: it was a divine punishment for the evil deed of burning Mantes and its churches. Henry echoes that explanation in *Historia Anglorum*.

In his historiography, Henry does not merely point out where he perceives God's involvement in history. He follows through on what he wrote in his prologue, looking to historical events and figures—especially those marked by divine approval or disapproval—for life lessons. That is perhaps the ultimate goal of Henry's religious historiography.

As Henry derives moral-religious lessons from history, the major recurring theme is that we should devote ourselves to ethical and spiritual concerns instead of focusing on "worldly pomp." As Greenway writes, "[a]n essential element of Henry's interpretation of history is the belief that without God, man is nothing, his pride and glory come to naught."[8]

Following, as Plumtree notes, the precedent set by earlier historians such as Bede, Henry sees death as a particularly ripe occasion for reflection on the transience of worldly pursuits and the frailty of humanity. In Henry's presentation of the episode of King Henry I's death, his "depiction of the preparation of the corpse dwells on the unpleasant and the putrid."[9] Henry

[8] Greenway, introduction to Henry of Huntingdon, *History*, xxi.
[9] James Plumtree, "Stories of the Death of Kings: Retelling the Demise and Burial of William I, William II, and Henry I," *South African Journal of Medieval and Renaissance Studies* 21 (2011): 23.

seems to "[revel] in the *contemptus mundi* theme."[10] The significance of his emphasis on the nauseating state of the decomposing body of a great and wealthy world leader apparently symbolizes the unimportance of humanity in the grand scheme of the divine. As Plumtree writes, "Huntingdon's criticism…seems not specifically directed at [King Henry I], but rather generally a disdain for worldly vanities."[11]

Henry actually devotes an entire section of *Historia Anglorum*—entitled "On Contempt for the World, Drawn from My Own Experience"—to these themes. Written in the form of a letter to a friend named Walter, it alternates between personal recollections, rhetoric, reports of historical facts, and sermon-like moralizing.

Elements of the sermon also appear elsewhere in the *Historia Anglorum*. In the passage describing the death of King Henry I referenced above (IV.2), Henry addresses his readers in the language of a religious figure delivering a sermon:

> See, then, whoever you are reading this, how the corpse of a most mighty king, whose crowned head had sparkled with gold and the finest jewels, like the splendour of God, whose hands had shone with sceptres, while the rest of his body had been dressed in gorgeous cloth of gold, and his mouth had always fed on the most delicious and choice foods, for whom everyone would rise to their feet, whom everyone feared, with whom everyone rejoiced, and whom everyone admired: see what that body became, how fearfully it melted away, how wretchedly cast down it was! See, I say, the outcome of events, upon which final judgement always depends. And learn to hold in contempt whatever comes to such an end, whatever is reduced in such a way.[12]

Henry returns to the language of the sermon at the end of his work, reiterating these themes and establishing the paramount importance, in his eyes, of the religious purpose served by his *Historia Anglorum*:

> we should…work hard at seeking the glory, honour, goodness, wealth, dignity, and prestige that are in God. When you have gained these things, you have them

and will always have them. When you have gained the things of this world, they will flow away like water from a broken pitcher, and you have nothing.[13]

Thus far, we have dealt primarily with Henry's religious reasons for writing about history. As mentioned above, however, Henry makes it clear that his religious historiography is focused in a very specific direction. He writes that the basic task he was instructed to perform was "to narrate the history of this kingdom and the origins of our people."[14] Indeed, his history "dealt much more with the politics of secular power, with kings and war, than it did with religion."[15] Apparently, then, Henry and Bishop Alexander saw a value in writing a history specifically of England, its monarchies, and its people. Why? It seems that Henry's goal was to give a sense of what it means to be English—of the essence of England.

Earlier, we referenced the five major invasions of England. Each invading people brought a different culture and heritage with them. The various invasions had varying staying power, but they all had lasting influences on England. In the early 11th century, the rulership of England switched several times between Danes and Englishmen. After 1066, Norman conquerors controlled the monarchy. All of this instability in the century of Henry's birth must have created a sense of uncertainty about what it meant to be English.

In writing *Historia Anglorum*, Henry essentially argued that there was "continuity in English history and identity, even though the land had suffered repeated invasions by other races."[16] We will suggest that Henry primarily made his argument in three important ways: by citing particular sources, by focusing on kings, and by revealing the greatness of the English in the eyes of God.

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[10] Plumtree, "Stories of the Death of Kings," 24.
[11] Plumtree, "Stories of the Death of Kings," 25.
[12] Henry of Huntingdon, *History*, 67.

[13] Henry of Huntingdon, *History*, 120.
[14] Henry of Huntingdon, *History*, 4.
[15] John Gillingham, "Henry of Huntingdon: In His Time (1135) and Place (Between Lincoln and the Royal Court)," in *Gallus Anonymous and his Chronicle in the Context of Twelfth-Century Historiography in the Perspective of the Latest Research*, ed. Krzysztof Stopka (Krakow: Polish Academy of Arts and Sciences, 2010), 162.
[16] Greenway, introduction to Henry of Huntingdon, *History*, xx.

The principal source Henry quotes in his history is Bede's *Historica Ecclesiastica Gentis Anglorum*, which covers the history of England until 731. Bishop Alexander specifically recommended that Henry use Bede's work, and Henry relied on it absolutely, referring to its author as "the venerable Bede, whose authority is completely secure."[17] In fact, "[a]lmost the whole of the *Historica Ecclesiastica* is recycled in the *Historia Anglorum*."[18] Henry also used an Old English poem called "The Battle of Brunanburh" as well as various other earlier written sources of English history. Using these older English sources establishes a sense of continuity in his work, asserting that an entity named England had existed for centuries and had persisted through many invasions. By tracing the history of England from the nation depicted in Bede to the post-Norman-conquest nation, Henry suggests that the peoples and kingdoms in each era are identical.

This assertion is difficult to accept. If the island was invaded by so many different peoples, how could it be the same England? It seems that Henry's argument was as follows: although the conquering peoples brought different customs, languages, and ways of life, these new elements were assimilated into England. England grew and changed through the years, but it remained England throughout. Each group of invaders eventually became part of England, as none of them succeeded in subjugating England to its ways. England never became a part of Normandy, the Viking lands, Saxony, or Rome—it remained a unique and distinct nation and people.

Diana Greenway writes that for Henry, "what defined a nation, *gens*, was kingdom, *regnum*."[19] The historical accounts recorded in *Historia Anglorum* center around the deeds and

[17] Henry of Huntingdon, *History*, 112.
[18] Diana Greenway, "Authority, Convention, and Observation in Henry of Huntingdon's *Historia Anglorum*," *Anglo-Norman Studies: Proceedings of the Battle Conference* 18 (1996): 107.
[19] Greenway, introduction to Henry of Huntingdon, *History*, xx.

reigns of the various monarchs who ruled England. "Kings were central to [Henry's] view of English history."[20] This emphasis is reflected by the tremendous amount of space Henry dedicates to discussing the characters and legacies of individual kings in what is supposed to be a general history of the English people and nation. Additionally, although Henry "recounts events year by year, like an annalist...unlike an annalist, [he] largely neglects to give dates, instead relying on regnal years."[21] Moreover, Henry even removed dates from his translations of the *Anglo-Saxon Chronicle*.[22]

By focusing on the kings, Henry argues that whatever the national origins of a given English king, there is a continuity of English monarchs that reveals the continuity of the nation. When Henry writes about Cnut, Harold II, and William the Conqueror, he does not emphasize their different racial origins. The kings of Wessex, the Danish kings, the native English kings, the Norman kings—they were all kings of England in Henry's eyes.

A close reading of *Historia Anglorum* reveals that Henry worked to subtly shift his readers' attitudes, encouraging them to understand that the Normans assimilated into England and that the Norman monarchs became as English as any previous English kings. In II.29, Henry presents a speech delivered by William to his conquering Norman army in 1066. In this speech, William emphasizes the Normans' Danish-Norwegian ancestry and urges them to defeat the English. Here, we have a clear picture of the Normans as separate from—and even opposed to— the English. In the rest of Book II, Henry continues in that vein, describing the Normans as agents of divine vengeance against the native Englishmen, repeatedly stressing that William was

[20] Gillingham, "Henry of Huntingdon," 162.
[21] Greenway, introduction to Henry of Huntingdon, *History*, xxiii.
[22] Greenway, "Authority," 109.

Norman rather than English (see e.g. II.36), and distinguishing the Normans from the English in terms of their very natures[23]

As the Norman dynasty becomes more established in England, however, Henry's language begins to change. He foreshadows this shift in III.10, when he speaks positively of Frankish Christian fighters in the Crusades as "people of God" and allies of the English. Throughout the rest of Book III, we see frequent references to King Henry I—already the third English king in the Norman line—as "English." Additionally, despite Henry I's French-Norman roots, *Historia Anglorum* clearly contrasts between his Englishness and the nature of the French and Normans.[24] Later, in the speech of Ralph, bishop of the Orkneys (IV.8), we see a clear conflation of "English" with "Norman." Bishop Ralph begins his speech by addressing the "[n]oblemen of England, renowned sons of Normandy." As the speech continues, he even praises the Norman conquest of England. After Ralph's speech, Henry, referring to a host that seems to have been comprised entirely of the descendants of the Norman conquerors, relates that "[e]very Englishman answered."[25] Clearly, Henry felt that the Normans had already become "Englishmen" by that point.

Yet Henry's motivations for presenting a history of England specifically were not limited to a simple argument about English continuity. Henry apparently believed that when we study English history, we recognize that God has shown us that there is something special about the Englishman. This belief is another important aspect of his argument about English continuity. It is also where his religious historiography and his nationalistic goals intersect.

In the beginning of the section of *Historia Anglorum* entitled "The Miracles of the English," Henry writes: "I have determined in this book to deal with illustrative Englishmen, and what the omnipotence of the Deity has revealed through them in miracles, so that the temporal deeds of kings and peoples might be brought to a conclusion with the glorious works of the eternal God."[26] He proceeds to provide details of the lives and good deeds of various English saints, from earlier times until his contemporary era. By focusing specifically on Englishmen in his survey of various saints, he not only establishes English continuity but also a special English quality. His language evokes those used by groups that consider themselves in some way to be divinely elect, such as Jews, Christians, and the ancient Romans. Henry might be suggesting something similar here about the English.

At the beginning of this paper, we identified two goals of Henry's historiography, based on his prologue: presenting religious historiography and chronicling English history and continuity. It seems that Henry's third goal was to give the English people a sense of their special status—to use history to show that England has been blessed by God.

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[23] For example, the Normans "surpassed all other people in their unparalleled savagery" (Henry of Huntingdon, *History*, 31).

[24] See e.g. III.25, 27- 29, 31, 44. Note, however, that there was no further conflict between England and Normandy after King Henry I took control of Normandy in 1106.

[25] Henry of Huntingdon, *History*, 70-1.

[26] Henry of Huntingdon, *History*, 112. Note that "this book" refers to "The Miracles of the English."

The Limits of Tolerance:

Jews, the Enlightenment, and the Fear of Premature Burial

Jeffrey Freedman

> "La mort est certaine, et elle ne l'est pas. Elle est certaine, puisqu'elle est inévitable, elle ne l'est pas, puisqu'il est quelquefois incertain qu'on soit mort."
> —Jean-Jacques Bruhier, *Dissertation sur l'incertitude des signes de la mort et l'abus des enterrements et embaumements précipités*

In 1798, a little-known German journal, the *Schlesische Provinzialblätter*, published a report about a case of narrowly averted tragedy. It concerned a young Jewish boy in Breslau who had been pronounced dead in November of the previous year. Actually, the boy was not dead, he only seemed to be, and since Jewish ritual law required rapid burial—within twenty-four hours at the latest unless the Sabbath intervened—he was at great peril of being buried alive. He escaped that fate because the misdiagnosis of death occurred late in the afternoon—too late in the afternoon to permit a burial before nightfall. The burial had to be postponed until the following morning, and by then, the boy was showing signs of life. Had it not been for the late hour of his apparent demise, it is quite possible that he would have awakened to find himself entombed beneath the earth. Instead, he awoke, as if after a long sleep, in his bed.[1]

All's well that ends well? Not according to a small coterie of Jewish reformers in Breslau, a group comprising some doctors and a handful of like-minded allies. The reformers were well

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[1] In English, the epigraph reads, "Death is certain, and it is not. It is certain because inevitable; not certain because it is sometimes uncertain whether one has died." On the Breslau boy nearly buried alive, see "Darstellung der Vorgänge und Resultate wegen der aufs neue in Anregung gebrachte frühen Beerdigung der Juden, bey der jüdischen Gemeinde in Breslau; vom November 1797 bis Ende May 1798," *Schlesische Provinzialblätter* 28 (1798): 21–53. For historical accounts of events in Breslau, see Max Freudenthal, "Die ersten Emancipationsbestrebungen der Juden in Breslau," *Monatsschrift für Geschichte und Wissenschaft des Judenthums* (1893): 565–79; and Michael Edward Panitz, "Modernity and Mortality: The Transformation of Central European Responses to Death, 1750–1850" (Ph.D. diss., Jewish Theological Seminary, 1989), 146–50.

aware that for roughly a half century, doctors in Europe had been calling attention to the difficulty of distinguishing between "seeming death" and real death, and the consequent danger of premature burial. Hardly any educated reader in Germany or France could have been unaware of it, so vast was the accumulated body of literature dealing with the subjects of seeming death and premature burial—treatises, pamphlets, and journal articles in both French and German, nearly all of which sounded the same alarms and made the same basic points: that the absence of such vital signs as respiration and arterial pulsations proved nothing in itself, that the only infallible sign of death was the putrefaction of the corpse, and that unless burial were postponed until the onset of putrefaction, untold numbers of innocent victims would suffer the horrible torture of being buried alive.[2] For the reformers in Breslau, the case of the young Jewish boy seemed to confirm the wisdom of the medical warnings. In their view, the appropriate response to such a case was action, not complacency—prompt and coordinated action to protect the Jews of Breslau against the danger of being buried alive. Shortly after the revival of the boy in November, the reformers launched a bold initiative: the creation of a new burial society (*Beerdigungsgesellschaft*). The new society elected officers and printed statutes, which it submitted for approval to the Prussian authorities, and in which it stipulated that no one should ever be dispatched to his grave until the body showed signs of decomposition.

But what authority did the reformers have to launch such an initiative? Within the traditional structure of the Jewish community, none whatsoever. The new burial society had no official standing, and there already was an official institution responsible for looking after the dead and the dying, the burial confraternity, which was one of the pillars of the Jewish community. The creation of a rival burial society was an open challenge to the corporate organization of the Jewish community, so brazen and provocative a challenge that it tore the community apart.

The reformers and their adversaries became embroiled in a bitter conflict, an intra-communal battle of words that grew increasingly poisonous until it finally came to a head in mid-April 1798, following the real death of a young boy, the infant son of a certain Doctor Zadig. As it happened, Zadig was one of the founding members of the new burial society, so the body of his infant son was treated in accordance with the statutes of the group: corpse watchers observed it night and day until the first signs of decomposition began to appear, at which point Zadig made a request to the directors of the confraternity for a burial plot in the Jewish cemetery. The request was denied. Then a second request was denied. And, eventually, after several more days had gone by and the corpse had reached a state of advanced decomposition, Zadig became so desperate that he decided to appeal to the Prussian state for help against his own coreligionists. He submitted a petition of grievance to the Prussian minister, Privy Councilor von Osten, who issued an official order requiring the confraternity to grant a burial plot. That did the trick. Soon afterward, Zadig's infant child was indeed laid to rest in the Jewish cemetery of Breslau, the burial watched over by the lieutenant general of police and four other police inspectors, who were there to ensure compliance with the government order.

And so ended the burial controversy in Breslau. In retrospect, it seems to have prefigured much of the future course of German-Jewish history in the nineteenth century: the battle between modernizers and traditionalists within the Jewish community, the victory of the modernizers, and the gradual erosion of communal autonomy under pressure from an expanding sovereign state.[3] By way of comparison, however, consider how it appeared to a contemporary, the journalist

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[2] For a list of publications dealing with "seeming death" and premature burial, see the appendix at the end of this essay.

[3] On German-Jewish history, but without any mention of burial practices, see Amos Elon, *The Pity of It All: A Portrait of the German-Jewish Epoch, 1743–1933* (New York: Holt, 2002).

writing in the *Schlesische Provinzialblätter*. He viewed the burial controversy as a momentous event—less because of its significance for German Jews than because of its significance for the eighteenth century as a whole:

> The remarkable events and the staggering revolutions in the thinking and the behavior of mankind which in the short time span of the past nine years [i.e., since the outbreak of the French Revolution] have followed one another in rapid succession have made the eighteenth century seem remarkable; but the century could with justification be called the most extraordinary [in all of history] if before it comes to an end, it witnesses a general revolution in the thinking and behavior of the Jewish nation, a salutary and wise reform of a religion that has been totally perverted by rabbinical hair-splitting [*Rabbinerschnitzelei*]. In general, however, one cannot expect this religious revolution, whose consequences for all the Jews and for the states in which they live would certainly be very beneficial, since the entire Jewish nation will not, of its own free will and from a rational conviction, undertake to reform its antiquated and useless dogmas, and since the state, constrained by the principles of justice, will not force it to do so. But the already enlightened [*erleuchtet*] part of the Jewish nation can take advantage of the contemporary climate of opinion and the enlightened attitude [*helle Den kungsart*] of princes to work for the realization of a proposal that will lay the foundations for and consolidate the civil well-being of themselves and their coreligionists for all eternity. And truly, if one considers how in the short span of six months a small society of Jews here in Breslau managed to overthrow one of the oldest Jewish practices—or rather abuses—which had endured down to the present despite the attacks against it from Jewish scholars and famous physicians and despite the conviction of the government, which held that the practice was not a matter of religion and that it was outrageous and inhumane—[if one considers all of these things], one requires no special illumination and need make no claim to the art of divination in order to foresee that before the end of this century the better part of the Jews will indeed bring about the aforementioned reform [in the thinking and behavior of the Jewish nation].[4]

A local dispute among Jews in a remote province of Prussia the crowning event of the eighteenth century? A more significant turning point than the storming of the Bastille or the execution of Louis XVI? A harbinger of world historical change? The claim seems so extravagant that the historian may be tempted to dismiss it as nonsense. But that temptation should be resisted. "The most promising moment in research can be the most puzzling," Robert

Darnton has argued.[5] And Darnton's dictum can be applied to a seemingly extravagant claim about a burial controversy in Breslau no less than to the joke of a cat massacre in Paris. If we can solve the puzzle of why the Silesian journalist ascribed such enormous significance to a movement for burial reform in Breslau, then other pieces of his contemporary culture are likely to fall into place, too.

But first a general point about being buried alive. All of us can conjure up in our minds the terrors of such a fate: the immobility, the confinement, the solitude, the unrelieved silence, the sense of utter helplessness. Those terrors were not at all peculiar to the eighteenth century. One finds them depicted in gothic literature of the nineteenth century—in the works of Edgar Allan Poe, for example—as well as in horror movies today—most recently, in the Dutch film *Spoorloos (The Vanishing)*. So also in documents of much earlier ages—the tragedy of *Antigone*, for example, where Creon condemns the heroine to be walled up inside a cave, or early modern plague chronicles, which evoke the horror of the plague by describing how the ailing and the dead were thrown together pell-mell and consigned to the same mass graves for burial. Premature burial has inspired dread in so many times and places that one could describe it as one of the archetypal fears of the human imagination, like drowning at sea or falling into an abyss, and yet to describe it in that way, sub specie aeternitatis, does not help us in the least to grasp the historical significance of burial reform among the Jews of Breslau in 1798. Even archetypal fears, after all, have a history. They wax and wane; and, most important, they change shape. For our purposes, the important question is not whether the fear of premature burial has always existed. Rather, it is what people *did* with that fear in the eighteenth century.[6]

[4] "Darstellung der Vorgänge…," 21–23.

[5] Robert Darnton, *The Great Cat Massacre, and Other Episodes in French Cultural History* (New York: Vintage, 1985), 262.

[6] On the fear of premature burial, see Martina Kessel, "Die Angst vor dem Scheintod im 18. Jahrhundert: Körper und Seele zwischen Religion, Magie und Wissenschaft," in *Hirntod: Zur Kulturgeschichte der Todesfeststellung*, ed.

Take the treatise of the French physician Jean-Jacques Bruhier, *Dissertation sur l'incertitude des signes de la mort* (1742–49), the first of the many French works on the danger of premature burial to be published in the eighteenth century. To impress on his readers just how serious the danger was, Bruhier told stories, 181 gripping, lurid tales of torture or narrowly averted torture, many of which played variations on a single necrophilic theme. A young woman has been given up for dead and is called back to life by the ardent embrace of her lover, just in time to escape the fate of expiring in her grave. It looks like a timeless theme, the myth of love conquering death, which traverses the ages from the Christian Gospels to Sleeping Beauty to Pedro Almodóvar's *Habla con ella (Talk to Her)*. But Bruhier was not using it that way. In his telling of the tales, love does not conquer death because the women are not dead to begin with—they only *seem* to be dead. The difference is crucial, and it gives the tales an admonitory meaning. Beware of inferring death from the usual outward signs. When people wake up in their graves, Bruhier implied, it is simply because some ignorant fools made a misdiagnosis of death. There is nothing the least bit mysterious about it. Indeed, once one takes account of the phenomenon of seeming death, all kinds of mysteries dissolve, like the supposed resurrection of Lazarus in the New Testament, which Bruhier dismissed as a religious hoax.[7]

Bruhier, in short, was a man of his age: a scientist who wrote like a philosophe. He treated the reported cases of premature burial in the manner of Voltaire, by stripping them of their mystery and explaining them in naturalistic terms; then he forged them into critical

Thomas Schlich and Claudia Wiesemann (Frankfurt: Suhrkamp, 2001), 133–66; Jan Bondeson, *Buried Alive: The Terrifying History of Our Most Primal Fear* (New York: W. W. Norton, 2001); and Ingrid Stoessel, *Scheintod und Todesangst: Äusserungen der Angst in ihren geschichtlichen Wandlungen (17.–20. Jahrhundert)* (Cologne: Forschungsstelle des Instituts für Geschichte der Medizin der Universität zu Köln, 1983). Bondeson cites examples of the fear from antiquity to the eighteenth century, including the descriptions of premature burial in early modern plague chronicles; see *Buried Alive*, 32–34.

[7] Bruhier, *Dissertation sur l'incertitude des signes de la mort* (Paris, 1749), 522–53. Cited in Bondeson, *Buried Alive*, 59. One version of the necrophilic theme concerned a randy monk who impregnated and thereby revived a woman in a state of seeming death. That story and the reactions to it are discussed in Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1990), 1–4.

weapons, to be wielded, rapier-like, for the skewering of superstition and credulity. Other writers who discussed cases of premature burial after Bruhier treated them in much the same way. Why had so many people testified to having heard horrible, bone-chilling screams in cemeteries during the night?, asked an anonymous author in a German journal of the 1770s. Not, he answered, because those people had stumbled on a witches' Sabbath—the hoary legends about witches and their nocturnal gatherings in cemeteries had no basis in reality. The most likely explanation of the screams was that they came from victims of premature burial who were crying out to be released from their subterranean prisons.[8] That explanation did not make the screams any less terrifying; quite the contrary. But at least it removed them from a supernatural frame of reference. The writers of the eighteenth century who sounded the alarm about the danger of premature burial were men of the Enlightenment.

I say "the" Enlightenment, knowing that some readers will object to the use of the definite article. And there are good reasons for objecting to it. The Enlightenment, after all, did not take the same form in France as it did in Germany, and in neither country did it stand for a set of fixed and immutable beliefs. But it did cohere as a process, as an open-ended debate revolving around certain central topics of concern—for instance, that of prejudice. The most radical Enlightenment authors, like Paul-Henri Thiry Baron d'Holbach in France, condemned prejudice categorically; the more moderate ones, like Moses Mendelssohn in Germany, were prepared to concede that certain prejudices contained moral truths and were therefore useful—at least for the uneducated classes, which had not yet learned to apprehend those truths rationally. But the question of how to deal with prejudices—whether to combat them, and if so, by what means, or to tolerate them, and if so, under what circumstances—was a recurrent subject of

[8] *Deutsches Museum* 1 (1778): 445. An almost identical explanation of screams in cemeteries appeared a decade earlier in *Hannoverisches Magazin* 82 (October 10, 1768): 1302.

discussion in the European Enlightenment. It was also one of the main reasons why reported cases of premature burial took on such great significance: those cases exemplified prejudice in both of the senses in which that concept was understood in the eighteenth century—prejudice as precipitate or "overhasty" (*übereilt*) judgment and prejudice as uncritical attachment to tradition (the prejudice in favor of authority).[9] To send someone to his grave before the evidence warranted a definitive pronouncement of death was to be guilty of prejudice in the first sense; to follow the traditional practice of rapid burial, simply because that practice was traditional or because it enjoyed the sanction of religious authority, was to be guilty of prejudice in the second sense. Either way, victims of premature burial were victims of prejudice. And so a great deal was at stake for the Enlightenment in the reform of burial practice—the elimination not just of any evil but of an evil that epitomized the harmfulness of prejudice.

The obstacles to reform, however, were every bit as formidable as the stakes were high. To begin with, there was the sheer scarcity of doctors and their physical distance from the actual sites of death. In the eighteenth century, the vast majority of people did not die with doctors anywhere near their bedsides. If they were lucky enough to die "well"—which is to say, in their native villages, rather than destitute and on the road—then they would, in most cases, have been attended at their deathbeds by family members, some of their fellow villagers, the local vicar or parish priest, and perhaps some traditional healers like the village cunning man or wise

woman—but not by doctors. The "medicalization" of death, like the "professionalization" of medicine, was a development more of the nineteenth than the eighteenth century.[10] Therefore, it was not enough for doctors alone to grasp just how easily life could counterfeit death. The general population had to grasp it, too, and many people were bound to balk at the idea of keeping unburied bodies lying around in their houses or cottages for days on end. As an alternative to keeping bodies in homes, the German physician Christoph Wilhelm Hufeland advocated the construction of a new kind of public health institution: waiting mortuaries (*Leichenhäuser*), in which bodies would be laid out and monitored by specially trained corpse watchers before burial. Hufeland was one of the most renowned and respected figures in German medicine, as well as the court physician of Karl August, Grand Duke of Weimar, and with the backing of the duke, he was able to bring his project to fruition: the first German *Leichenhaus* opened its doors in Weimar in 1791, followed over the next two decades by *Leichenhäuser* in Berlin, Brunswick, Ansbach, Kassel, Mainz, and Munich. The German medical establishment embraced Hufeland's project enthusiastically; the public, on the other hand, much less so. Working-class Germans in towns proved reluctant to surrender the bodies of their loved ones to the tender mercies of the corpse watchers. The *Leichenhäuser*, therefore, were rarely filled to capacity, and some of them sat practically empty, notwithstanding Hufeland's tireless propagandizing. In 1791, he published a short work about the public health benefits of the *Leichenhäuser*, and then, seventeen years later, he published a second, much longer work in which he tried to win support for his project by repeating many of the same horror stories that

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[9] In the German debate on the question, what is Enlightenment?, Moses Mendelssohn took the position that some prejudices contained truths necessary to morality, and that in certain instances the "virtue-loving [*Tugendliebender*] Aufklärer . . . would do better to tolerate the prejudice than to drive out the truth with which the prejudice was so closely intertwined." See Moses Mendelssohn, "Über die Frage: Was heisst Aufklären?," *Berlinische Monatsschrift* 4 (1784): 198–99. In his *Essai sur les préjugés* (1770), D'Holbach denounced prejudices unconditionally, arguing that they were ipso facto harmful and incompatible with virtue and happiness. Compared to D'Holbach's position, Mendelssohn's looks quite moderate. But Mendelssohn's formulation, "better to tolerate the prejudice" (*lieber das Vorurteil dülden*), implied that it would have been better still if the truths necessary to morality were grounded in reason rather than apprehended in the form of prejudice. Even for Mendelssohn, therefore, the tolerance of prejudice was merely a provisional concession, not an ideal. On the concept of prejudice in the German Enlightenment, see Hans-Georg Gadamer, *Truth and Method*, rev. ed., trans. Joel Weinsheimer and Donald G. Marshall (New York: Continuum, 1989), 271–85; and Werner Schneiders, *Aufklärung und Vorurteilskritik: Studien zur Geschichte der Vorurteilstheorie* (Stuttgart: Frommann-Holzbook, 1983).

[10] On eighteenth-century German medicine, see Thomas Broman, *The Transformation of German Academic Medicine, 1750–1820* (Cambridge: Cambridge University Press, 1996); Claudia Huerkamp, *Der Aufstieg der Ärtze im 19. Jahrhundert: Vom gelehrten Stand zum professionellen Experten: Das Beispiel Preussens* (Göttingen: Vandenhoeck & Ruprecht, 1985), 23–45; Ute Frevert, *Krankheitals politisches Problem: Soziale Unsichten in Preussen zwischen medizinischer Polizei und staatlicher Sozialversicherung* (Göttingen: Vandenhoeck & Ruprecht, 1984), 11–83; and Mary Lindemann, *Health and Healing in Eighteenth-Century Germany* (Baltimore: Johns Hopkins University Press, 1996). None of these works, however, devotes any attention to the issue of seeming death and premature burial.

had originally appeared in Bruhier's treatise more than a half century earlier. But even if Hufeland's project had caught on with the public, it would only have affected town-dwellers, and most Germans in the late eighteenth century lived in the countryside.[11]

In order to promote the reform of burial practices in rural areas, the Prussian government launched a small public health initiative of its own. It allocated monies from the royal coffers to underwrite the printing of short and simple books on the subject of seeming death. In their form, the books were modeled on religious catechisms; ideologically, they belonged to what Germans called the "popular enlightenment" (*Volksaufklärung*), which was a kind of philanthropic publishing campaign whose chief goal was not to make peasants into philosophers so much as to convey practical information to the "common man" (*gemeiner Mann*)—in this particular case, practical information about reanimation techniques, diagnosing death, and the importance of observing waiting periods before burial.[12] It was one thing, however, to print and disseminate such books, and quite another to ensure that their message would get across. By the second half of the eighteenth century, most German states had introduced laws requiring some schooling for the whole population, but the laws were not always enforced, and in any case, most village schools were so ill equipped and poorly run that one could have attended those schools and still not had sufficient literacy to decipher even so simple a book as a medical catechism. In practice,

the message of such a book was unlikely to reach its intended audience unless some literate intermediary like the local vicar or schoolmaster transmitted it verbally.[13]

It is easy to understand, therefore, why educated Germans would have been pessimistic about the prospects for successful burial reform. And yet the degree of pessimism is remarkable all the same. For several decades, beginning in the 1770s, German journals repeatedly issued gloomy pronouncements about the futility of efforts to eliminate the scourge of premature burial. In one journal, for example, an author began his article about seeming death and premature burial by announcing that he planned to discuss "our mishandling of the dead," which he held to be a subject of the greatest importance. In the very next sentence, he went on to say that he did not believe his article would be the least bit useful: "To believe such a thing, I would have to be ignorant of the force that traditional practices have on human minds and the slowness with which improvement occurs in such cases where the power of reason has to triumph over common prejudice."[14] Another author writing about the danger of premature burial admitted that the "common people" (*das Volk*) were not even aware of the existence of the journal in which his article was being published.[15] So why bother? The question was inescapable, and it hung over the discussions of premature burial like a dark cloud. To all appearances, the cause of burial reform was trapped in a closed circle: the already enlightened speaking to the already enlightened. The problem of how to break out of that circle looked well-nigh insoluble.

And if the problem seemed so difficult to solve for the German population in general, then how much more so in the specific case of the Jews. Jewish communities defied the medical consensus about the danger of same-day burial not out of lethargy or fatalism or ignorance, but

[11] See C. W. Hufeland's *Über die Ungewissheit des Todes und das einzige untrügliche Mittel sich von seiner Wirklichkeit zu überzeugen: Nebst der Nachricht von der Errichtung eines Leichenhauses in Weimar* (Weimar, 1791); and *Der Scheintod* (Berlin, 1808). On the public reaction to the *Leichenhäuser*, see Bondeson, *Buried Alive*, 100–110.

[12] *Katechismus der anscheinenden Todesfälle oder sogenannten Pulslosigkeiten: Wodurch der gemeine Mann unterrichtet wird, wie er bey den verschiedenen Arten anscheinender Todesfälle verfahren soll: Auf Befehl Sr. königlichen Hoheit des Prinzen Heinrich von Preussen zum Druck befördert* (Berlin, 1787); *Unterricht vom Scheintode und dem sichersten Mittel das Lebendigbegraben zu verhüten für Ungelehrte* (Breslau, 1798). On the *Volksaufklärung* in general, see the discussion in Jonathan B. Knudsen, "On Enlightenment for the Common Man," in *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (Berkeley: University of California Press, 1996), 270–90.

[13] On literacy and the circulation of the printed word among the laboring classes in late eighteenth-century Germany, see Rudolf Schenda, *Volk ohne Buch: Studien zur Sozialgeschichte der populären Lesestoffe, 1770–1910* (Frankfurt: Vittorio Klostermann, 1970).

[14] *Neues Hamburgisches Magazin* (1778): 23.

[15] *Lausizisches Wochenblatt* (1792): 327.

because it contradicted their religious law. To them, same-day burial was a commandment and a way of showing respect for the dead; to the partisans of burial reform, it was an abomination. German journals fulminated against the "inhumanity" and "cruelty" of same-day burial, a practice all the more intolerable as it also provided a camouflage for the most dastardly crimes—poisoning, for example, which was likely to go undetected because the bodies of the victims were dispatched to their graves before autopsies could be performed. Under the cover of same-day burial, it was alleged, Jews were able to murder their own coreligionists with impunity.[16] Those allegations made the Jews seem perfidious and depraved at the very moment, it should be noted, that Germans were also debating the issue of Jewish emancipation, which the Prussian official von Dohm had launched with the publication in 1781 of his pamphlet "On the Civic Improvement of the Jews" ("Über die bürgerliche Verbesserung der Juden").[17] Given that Jewish burial practice and Jewish emancipation were being discussed simultaneously, it would be natural to suppose that those who denounced Jewish burial practice were hostile to Jewish emancipation—but it was not that simple.

Anton Büsching, a writer who made some particularly nasty comments about the Jewish practice of same-day burial, presented himself with some plausibility as a friend of the Jews. It was only because enlightened Christians regarded Jews as fellow human beings, Büsching argued, that they felt duty bound to speak out against Jews murdering their own coreligionists. Had they said nothing, their silence would have bespoken indifference to Jewish suffering.[18] And

yet speaking out did not do any good, either, if the Jews were not listening. "It is futile to present to the Jews the most vivid depictions of the terrifying consequences of rapid burial and to refute their erroneous religious scruples. It is futile to persuade them that their treatment of the dead is indecent and that it violates the rights of man," another German author concluded bitterly in a journal article of the early 1790s. "As long as the rabbi remains what he now is, the all-powerful of the nation, capable of grinding into the dust with complete impunity whomever he wishes,... all efforts to enlighten the Jewish nation, to instill in it true feelings of humanity and self-worth and to suppress the old national prejudice in favor of rapid burial, will be totally useless."[19] By clinging to their "old national prejudice" and ignoring the voice of reason in the matter of burial reform, the Jews seemed to dramatize one of the weightiest problems of the late eighteenth century: the impediments to the spread of Enlightenment.

So what was to be done? The German commentators were convinced that some Jews harbored secret misgivings about same-day burial but dared not say so for fear of incurring the wrath of their all-powerful rabbis. The solution, therefore, was to curtail the power of the rabbis. Governments, it was argued, would have to adopt laws mandating waiting periods before burial, then enforce those laws in the teeth of rabbinic opposition, by coercive means if necessary.[20] And that was precisely what German governments did. Gradually, laws calling for waiting periods before burial were enacted in the major states of the old Reich: the Habsburg lands of Austria and Bohemia (1786–87), electoral Saxony (1792), and, finally, following the events in Breslau mentioned earlier, Prussia (1798). The laws caused tremendous turmoil in Jewish communities, but the German commentators were absolutely right that some Jews harbored

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[16] See, for example, "Abscheuliche Vergiftung in einer jüdischen Familie in Hamburg," *Historisch-politisch-literarisches Magazin* 8 (1790): 357–59.

[17] On the debate about Jewish emancipation, see Gerda Heinrich, " ' . . . man sollte itzt beständig das Publikum über diese Materie en haleine halten': Die Debatte um 'bürgerliche Verbes serung' der Juden 1781–86," in *Appell an das Publikum: Die Öffentliche Debatte in der deutschen Aufklä rung, 1687–1796*, ed. Ursula Goldenbaum (Berlin: Akademie Verlag, 2004), 814–95.

[18] Anton Friedrich Büsching, "Über die frühe Beerdigung der Juden," *Berlinische Monatsschrift* 5, no. 2 (1785): 112. On the other hand, the Christian Hebraist Johann David Michaelis, who wrote a lengthy article in his *Orientalische Bibliothek* (6 [1789]: 51–77) on the subject of Jewish burial practice, was indeed a staunch opponent of von Dohm.

[19] "Über die frühe Beerdigung der Todten und über die Ungewissheit der Kennzeichen des wahren und falschen Todes," *Almanach für Ärzte und Nichtärzte* (1790): 182–83.

[20] Such an argument was advanced in "Abscheuliche Vergiftung," 358–59, and "Über die frühe Beerdigung der Todten und über die Ungewissheit der Kennzeichen des wahren und falschen Todes," 183.

misgivings about the wisdom of same-day burial, not least Mendelssohn, the most famous Jew in all of Europe, who argued as early as 1772, in a letter to the Jewish community of Mecklenburg-Schwerin, that the Jews would do well to heed the warnings of doctors. A conciliator by nature, Mendelssohn blunted the sharp edge of his argument by wrapping it in exegesis—he endeavored to show that the practice of same-day burial was based on a misreading of the relevant sources and that Jews could abandon the practice without abrogating Jewish law.[21]

Mendelssohn's followers in the next decade, however, were not nearly so circumspect. For Marcus Herz, a Jewish physician writing in the 1780s, the authority of doctors trumped the authority of Jewish law, and that was that.[22] When German governments acted against the power of the rabbis, therefore, they did enjoy the support of a minority of self-styled "enlightened" Jews. David Friedländer, one of the leaders of the Jewish Enlightenment in Germany, went so far as to publish an article in a Berlin journal hailing the emperor Joseph II for having outlawed same-day burial in Bohemia: "My enlightened brothers recognize with gratitude this paternal concern for our well-being [which] marks a new victory over an old prejudice that inspires feelings of indignation."[23] For anyone who felt frustrated at the apparent tenacity of traditional prejudices, the mere existence of Jews like Friedländer and Herz, or the reformers in Breslau who challenged the burial confraternity, was a source of hope. It made it possible to argue that Jews, too, had the capacity to heed the voice of reason, and therefore that the chief obstacle to the spread of Enlightenment among the Jews was not any intrinsic flaw in the Jewish character, it

[21] Originally written in Hebrew, Mendelssohn's letter to the Jews of Mecklenburg-Schwerin was translated into German and published after his death. See "Schreiben des Herrn Moses Mendelssohn an die achtbare Gemeinde zu Schwerin," *Berlinische Monatsschrift* 9 (1787): 325–29. When Jacob Herschel, the rabbi of the Jewish community in Altona, learned of Mendelssohn's position, he wrote an angry letter to him in which he castigated Mendelssohn for his "pride" and "arrogance." See M. Kayserling, *Moses Mendelssohn: Sein Leben und seine Werke* (Leipzig: Hermann Mendelssohn, 1862), 276–80.

[22] Marcus Herz, *Über die frühe Beerdigung der Juden* (Berlin, 1788).

[23] David Friedländer, "Über die frühe Beerdigung der Juden: Ein Brief aus Prag an die Herausgeber, nebst einigen Urkunden," *Berlinische Monatsschrift* 9 (1787): 318.

was institutional—the organization and autonomy of Jewish communities—and as such removable through political action. Our Silesian journalist did not spell out that argument precisely, but something like it was clearly implied in his comments about the burial controversy in Breslau.

And so the pieces of the puzzle have finally fallen into place. Why would anyone regard the burial controversy in Breslau as the crowning event of the eighteenth century? In the first place, because premature burial epitomized the iniquity of prejudice and because the Enlightenment, in whatever form it appeared, was deeply concerned about the problem of prejudice. But also, and most important, because the prejudice in favor of rapid burial proved so difficult to root out. With the Jewish resistance to burial reform, the Enlightenment seemed to have reached an impasse—there was much hand-wringing among the already enlightened about the power of prejudice but little progress toward the goal of eliminating same-day burial. Then, suddenly, at the very end of the "century of Enlightenment," there was progress—at least in Breslau—and it pointed a way out of the impasse. The way out lay in a new kind of alliance: an enlightened minority of educated Jews and the enlightened Prussian officialdom marching together to reform Jewish rituals.

With all the pieces of the puzzle in place, our work of historical reconstruction might seem to be at an end. But there is a problem with applying the metaphor of puzzle solving to the work of historical reconstruction: the pieces of a puzzle are designed to fit together whereas the elements of a culture are not. Different value systems, for example, will often coexist within a single culture, even within a single individual, and it would be a mistake to suppose that they can always be so neatly fitted together. By way of conclusion, therefore, it may be instructive to go

back over some of the same ground we have already covered, this time with a view not to solving the puzzle but to highlighting certain unresolved tensions.

Consider, first, the recurrent use of fear in the campaign for burial reform. From Bruhier to Hufeland, nearly all the authors involved in the campaign appealed openly to fear, describing the horrible suffering of being buried alive so as to raise public awareness of the need to delay burial. As we have said, however, those same authors were also men of the Enlightenment, committed to understanding the universe in rational terms; and it was one of the core convictions of Enlightenment authors that rational understanding would diminish the terrors of human existence. "The more Enlightenment [*philosophie*, in French; *Aufklärung*, in German], the less fear" was practically a definition of Enlightenment. All the *philosophes* and *Aufklärer* would have endorsed it, just as most of them would have endorsed the proposition "the less prejudice, the better." And, of course, fear and prejudice were closely linked, for prejudices led to fear— notably, religious prejudices, like the beliefs in hell or purgatory, which caused humanity to fear the prospect of death. In the campaign for burial reform, however, that link had been severed. Instead of exposing prejudice in order to banish fear, authors like Bruhier and Hufeland incited fear in order to combat prejudice.[24]

Fearmongering to advance the cause of the Enlightenment? Clearly, the means and the ends were in tension. But how deep did that tension go? And what are we to make of it? Of course, it was never in the Enlightenment's power to banish fear completely. Some old fears

were bound to survive, like the fear of famine, which burst into the open during *la grande peur* of the French Revolution. This incident derived from the widespread belief in an aristocratic plot to starve the French people, and apart from the fact that the supposed villains were aristocrats rather than, say, witches, something very like it could have broken out in the seventeenth century, too. All the myth bashing of Enlightenment authors could not dent the fear of famine for the obvious reason that famine was not a myth. It was grounded in real conditions of material scarcity. There was only one effective cure for the fear of famine, and it was not philosophy. It was an increase in agricultural production, which was, in fact, occurring during the second half of the eighteenth century, but not fast enough to guarantee adequate food supplies for the entire population when harvests failed.[25] Within the conditions of the eighteenth century, the fear of famine made eminently good sense. The fear of premature burial, however, belonged to a different category. It did not survive *despite* the Enlightenment, it flourished *because* of it. The publications on seeming death and premature burial contributed to reactivating an ancient fear, and there is no question that some of the readers of those publications were really frightened. One example is Mme. Necker, the salon hostess and wife of the French finance minister, who lifted a long list of reanimation techniques and precautionary measures against premature burial from Bruhier's treatise and wrote them into her last will and testament.[26] During the last years of

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[24] On the Enlightenment and fear in general, see Christian Begemann, *Furcht und Angst im Prozess der Aufklärung: Zu Literatur und Bewusstseinsgeschichte des 18. Jahrhunderts* (Frankfurt: Athenaeum, 1987); Hartmut Böhme and Gernot Böhme, *Das Andere der Vernunft: Zur Entwicklung von Rationalitätsstrukturen am Beispiel Kants* (Frankfurt: Suhrkamp, 1983); and Jean Deprun, *La philosophie de l'inquiétude en France au XVIIIe siècle* (Paris: J. Vrin, 1979). The generally accepted thesis is that the Enlightenment inaugurated an historical shift from "fear" (*Furcht*), which has a specific object—for example, witchcraft or hell—to "anxiety" (*Angst*), which is a defuse state of disquiet. The fear of premature burial, however, does not fit that thesis for the obvious reason that it did, in fact, have a precise object: awakening to find oneself entombed beneath the earth. On the traditional, pre-Enlightenment fears of early modern Europe, see Jean Delumeau, *La peur en Occident (XIVe–XVIII siècles): Une cité assiégée* (Paris: Fayard, 1978).

[25] On famine in eighteenth-century Germany, see Wilhelm Abel, *Massenarmut und Hungerkrisen im vorindustriellen Deutschland*, 2nd. ed. (Göttingen: Vandenhoeck & Ruprecht, 1977).

[26] On Mme. Necker's obsessive fear of being buried alive, see Antoine de Baecque, *La gloire et l'effroi: Septs morts sous la terreur* (Paris: B. Grasset, 1997), 217–51. Another French historian, Jean-Louis Bourgeon, has tried to track the fear of being buried alive by using the quantitative methods of the Annales school. He compared Parisian wills during fifteen-year periods from the first and second halves of the eighteenth century in order to determine whether there was any increase in the number of wills requesting safeguards against premature burial, and, in fact, there was an increase. In the period from 1710 to 1725, only two out of a thousand wills prescribed safeguards; in the period from 1760 to 1775, the number was thirteen out of a thousand, and additional thirty-four requested delays in burial for unspecified reasons. Bourgeon's study does not support the conclusion that there was a widespread panic, but it does indicate some rise in the fear of premature burial, probably due to the works of Bruhier and others. See Bourgeon, "La peur d'être enterré vivant au XVIIIe siècle: Mythe ou réalité?," *Revue d'histoire moderne et contemporaine* 30 (1983): 139–53. See also Bondeson, *Buried Alive*, 77.

her life, Mme. Necker dreaded the prospect of her own death just like any believing Christian of an earlier period, except that the suffering she dreaded pertained to the body rather than the soul and was situated in an in-between state this side of the divide between life and death: the grave as this-worldly purgatory.

And yet the fear of being buried alive was not the same thing as the fear of languishing in purgatory or burning in hell, either. In the latter case, the fear was of something belonging to the domain of religious dogma. Purgatory was a reality because the Catholic Church said it was. So, too, with hell, except that hell was dogma for all Christians and not just Catholics. One could not question the reality of purgatory or hell from within the discourses of Catholic or Protestant orthodoxy, only from without—by subjecting the dogma to rational critique. The fear of being buried alive was different. It was a fear of something that belonged to the domain of scientific "fact," and the Enlightenment never conferred unimpeachable authority on scientific fact; quite the contrary.[27] In the eighteenth century, at a time when scientists had not yet withdrawn behind the protective walls of professional journals and technical jargon, scientific facts were open to critique in the public sphere, and so, too, were the fears those facts supported.

In 1776, for example, the magistrates in Zurich became convinced that someone had poisoned the communion wine in the main cathedral of the city. The evidence for the crime came from a team of eminent physicians who performed a chemical analysis on the wine and concluded that it contained arsenic. The crime, therefore, was a scientific "fact," and it reactivated the ancient fears of poisoning and sacrilege, which found a wide echo in the press coverage of the event. To contemporary observers, it seemed one of the worst crimes imaginable—until Friedrich Nicolai, a prominent figure of the Berlin Aufklärung, published an

[27] On the "fragility" of scientific facts and the "fear" of that fragility among Enlightenment authors, see Lorraine Daston, "Enlightenment Fears, Fears of Enlightenment," in *What's Left of Enlightenment? A Postmodern Question*, ed. Keith Michael Baker and Peter Hanns Reill (Stanford: Stanford University Press, 2001), 115–28.

article in a leading Berlin journal in which he argued that the evidence was flawed and that the wine had never been poisoned. Nicolai retrospectively declared the "fact" to be a nonfact, and, as far as one can tell, most people agreed with him, including some of his bitterest enemies.[28] In the case of premature burial, the outcome was the other way around: the fearmongers defeated the doubters. Or so it would appear from the published record, for most of those who wrote on the subject of premature burial took the view that a great many people were, in fact, being buried alive. But the doubters made their voices heard, too.

In 1792, for example, a German author published a journal article in which he took issue with another author who had claimed, in the pages of the same journal, that throughout history one in thirty people had been buried alive. How could anyone claim to know such a thing?, he asked. Only by performing an experiment of first burying and then exhuming thousands of bodies, he answered. No such experiment had ever been tried; therefore, the claim was nothing but "theory and hypothesis"—"an arbitrarily adopted proposition…beyond the reach of any possible experience." The author did not go so far as to affirm that no one had ever been buried alive; he could not have done so without violating his own empiricism—the phrase "beyond the reach of any possible experience" was a nod in the direction of Kant's *Critique of Pure Reason*—but he was convinced that the fear of premature burial was overblown and that all the talk about it was doing more harm than good: "The otherwise praiseworthy condemnation of rapid burial that is now widespread in Germany and that has prompted governments in many regions to enact edicts on the subject has also caused much anguish among the common people, especially among those who have lost loved ones and who now torment themselves night and day with the thought that they may have buried their loves ones too soon. I shall not conceal my

[28] Jeffrey Freedman, *A Poisoned Chalice* (Princeton: Princeton University Press, 2002).

view, therefore, that we have gone a little too far—a little too far, that is, in our damning remarks about frequently occurring premature burials."[29]

Or consider the physician writing in a medical journal in 1790 (a medical journal, however, that was clearly addressed to both doctors and nondoctors alike). He was prepared to admit that it was sometimes possible to mistake seeming death for real death, but only in those cases where the outward signs of death appeared suddenly and no previous indication of illness had been present, as after strokes, seizures, fainting, or suffocation, and such cases were too rare to justify the shrill alarmism of the campaigners for burial reform. "The terrors of life and death are for the most part only imaginary. Why then do we wish to multiply and enlarge them without cause?," the physician concluded.[30] Or, finally, consider the Jewish physician M. J. Marx, who published an article in support of the Jewish practice of same-day burial. Whatever the danger of premature burial, Marx argued, it paled beside the public health danger that resulted from leaving dead bodies unburied: better to run the infinitesimal risk of premature burial than to expose whole populations to the threat of contagion. The argument was clever and well designed to impress other physicians; eighteenth-century physicians were greatly concerned about the noxious effects of the "miasmatic vapors" that decomposing bodies were thought to emit, no less concerned than they were about the danger of premature burial.[31] On the advice of physicians, laws mandating the removal of cemeteries from areas of dense habitation were being enacted at the same time as the laws mandating waiting periods before burial. The two sets of laws contradicted each other, and Marx deftly exploited the contradiction in order to mount a rational, medically sound defense of a traditional Jewish ritual.[32]

So what can we conclude? Certainly not that Marx or the other doubters made much difference in the end. The important point is simply that they had the opportunity to challenge the consensus, that there was a debate, however lopsided, and that the fear of premature burial had to withstand the test of critical scrutiny in the public sphere. As it existed in the eighteenth century, therefore, the fear of premature burial could well be described as a rational fear. But whether rational or not, it was still a fear, and fear tends to create an environment inimical to tolerance—a point that brings us to the final unresolved tension in the campaign for burial reform.

To anyone who feared premature burial, the Jewish practice of same-day burial posed a stark choice: either tolerate the practice and thus accept the suffering of innocent Jews, or accept coercive measures to end the practice and thus violate the principle of religious tolerance. Our Silesian journalist tried to evade the choice by emphasizing that the original impetus for burial reform had come from within the Jewish community. In that way, he was able to make it seem that the Jews of Breslau were reforming their "antiquated" ritual on their own, with just a little help from the Prussian state. But, in fact, the Jews as a whole were doing no such thing; only a small minority of them were. And how did the reform appear to those Jews in Breslau who did not belong to that minority? To some of them at least, it must have seemed coercive and intolerant. David Friedländer, who represented the view of the Jewish minority, saw this position quite clearly. To him, it was obvious that one had to make a choice between two incompatible options. Hence his support of Joseph II's decision to outlaw same-day burial in Bohemia, an

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[29] The passages cited appear in footnotes to the article that was being criticized. *Lausizisches Wochenblatt* (1792): 137–38, 325.

[30] "Über die frühe Beerdigung der Todten und über die Ungewissheit der Kennzeichen des wahren Todes," *Almanach für Ärzte und Nichtärzte* (1790): 215.

[31] Alain Corbin, *Le miasme et la jonquille: L'odorat et l'imaginaire social, XVIIIe–XIXe siècles* (Paris: Aubier, 1982).

[32] M. J. Marx, *Journal von und für Deutschland* 1 (1784): 227–35.

opinion worth citing at length because it presented the two options without any attempt to soften

the opposition between them:

> Praised be the Eternal One that the antiquated abuse of burying the dead beneath
> the earth on the same day as their demise has finally been abolished forever
> among my coreligionists in this land. My enlightened brothers recognize with
> gratitude this paternal concern for our well-being. It marks a new victory over an
> old prejudice that inspires feelings of indignation.... To be sure, this hard-won
> victory was not of the noblest sort. It was won not through persuasive reasoning
> [*überzeugenden Gründen*] but through force [*Gewalt*] and not without
> encountering resistance. But the prejudice that had to be overcome was itself of
> such an ignoble and harmful sort that it had to be eliminated root and branch
> without delay and consideration.[33]

Here it is also worth pointing out that Friedländer's article was published in the

Berlinische Monatsschrift, the same journal in which Kant had published his famous essay

"What Is Enlightenment?" just a few years earlier. By framing the opposition in the way that he

did, "persuasive reasoning" on the one hand and "force" on the other, Friedländer was echoing

and, to some extent, challenging Kant's conception of Enlightenment, which revolved around

exactly the same opposition but which repudiated the use of force as a means of spreading

Enlightenment. As an ideal defined by Kant, Enlightenment could only spread through the free

"public use of reason." To impose it by force was to violate it as an ideal—and as far as the ideal

went, Friedländer agreed with Kant, which was why he admitted that outlawing same-day burial

was "not a victory of the noblest sort." Friedländer, however, was writing as a social reformer,

which Kant never did. Kant's philosophy did not bother with the messy business of reforming

social institutions, nor did it concern itself with human beings as they really existed in

eighteenth-century society. The person for whose dignity the categorical imperative commanded

respect was an abstraction from social reality: the self-legislating individual who determined the

ends of his own existence. An eighteenth-century social reformer had to deal with human beings

[33] David Friedländer, "Über die frühe Beerdigung der Juden: Ein Brief aus Prag an die Herausgeber, nebst einigen
Urkunden," *Berlinische Monatsschrift* 9 (1787): 318.

as they really were—in other words, as members of communities, groups that imposed their own

forms of coercion and determined the ends of human existence on behalf of their members. And

as with human beings, so with their prejudices. The prejudice in favor of same-day burial was

not the prejudice of free-floating, autonomous individuals who just happened to be Jews; it was

the prejudice of the Jewish community. With all the weight of a community and an ancient

tradition behind it, such a prejudice could not be dislodged through the force of argument alone.

To the force of argument, one had to join force tout court.

Or so it appeared to Friedländer—but not just to Friedländer. As already mentioned, non-

Jews, too, argued that German governments should take action to end the practice of same-day

burial among the Jews. That practice did not affect them directly, so why did they care? Of

course, one cannot discount the possibility that they did not really care about the well-being of

the Jews, and that, on the contrary, they disliked Jews and merely wanted to see them

discomfited by laws that compelled them to change their traditional customs. Such an

interpretation would fit nicely with the current scholarly fashion to look for anti-Semitism and

intolerance of cultural diversity in the Enlightenment.[34] The textual evidence alone, however,

does not support it. When a German commentator said the following—"Oh, Princes! Remove

from these bearded priests [i.e., the rabbis] their antiquated power, their unlimited authority, their

freedom to subject anyone to their heavy ecclesiastical yoke according to their pleasure and

fancy, and the Jew will bless your memory and will bury his dead just like Christians only after

he has exhausted all possible means of reviving the body and only after having waited several

days"—his professed motive was to benefit the Jews by freeing them from the authority of their

[34] For a criticism of that scholarly fashion, see Ronald Schechter, "Rationalizing the Enlightenment: Postmodernism
and Theories of Anti-Semitism," in *Postmodernism and the Enlightenment: New Perspectives in Eighteenth-Century
French Intellectual History*, ed. Daniel Gordon (New York: Routledge, 2001), 93–116.

rabbis.[35] Why assume that the professed motive had to conceal one darker and more sinister? It is just as likely that the German commentator was reasoning empathically: what if I were a Jew and had to be exposed to the torture of being buried alive? To reason in that way, by imagining oneself in someone else's skin, was to perform a mental operation that could, in some cases, lead to tolerance of other cultures; it is just that same-day burial was not one of those cases. It was a prejudice whose consequences seemed so dreadful as to make tolerance intolerable.

Were the consequences really so bad? That question is difficult to answer, for we have no way of knowing just how widespread premature burial was in the late eighteenth century—the most we can say is that a great many people believed it to be widespread.[36] Whatever the *objective* fact, however, most of us will have no difficulty grasping the *subjective* moral dilemma. Where to draw the boundary between tolerance as respect for other cultures and tolerance as indifference to human suffering is a problem that the Enlightenment bequeathed to the whole tradition of modern liberalism, and it has reappeared in various guises throughout the modern era, from widow burning in the British raj to female genital mutilation in contemporary Africa. It is a genuine problem even if the idea of stamping out "native" customs for the good of the "natives" has sometimes been used to nefarious ends, to provide ideological cover for British imperialism or to buttress the notion of Western superiority. For the Western liberal, the question is still, more or less, the same: what if *I* were a Hindu widow, or an African Muslim girl—or, for that matter, a Jewish boy in eighteenth-century Breslau? To see the similarity of such cases is not to deny the cultural differences between the early twenty-first, the mid-nineteenth, and the late eighteenth centuries, it is merely to identify a connecting thread, and of course that thread is only

visible in retrospect—our Silesian journalist was bound to see things differently. To him, the elimination of same-day burial in Breslau was the crowning event of the eighteenth century because it signaled the victory of the Enlightenment over prejudice. To us, looking back, that same episode seems to point beyond its own epoch to one of the enduring dilemmas of the modern liberal conscience.

Appendix

The work that inaugurated the concern about "seeming death" and premature burial in the second half of the eighteenth century was *Dissertation sur l'incertitude des signes de la mort* by the French physician Jean-Jacques Bruhier—a work based loosely on a Latin treatise, *Morte incertae signa*, published two years earlier by an expatriate Danish physician living in Paris named Winslow. Bruhier's French version appeared in one volume in 1742, a second volume came out in 1746, and, finally, the two volumes were published together in 1749, the first volume having been considerably revised in the meantime. The publication of Bruhier's work was then followed by a spate of other works in French: H. Le Guern, *Rosaline, ou les mystères de la tombe: Recueil historique d'événements nécessitant qu'on prenne des précautions pour bien constater l'intervalle qui peut s'écouler entre la mort imparfaite et la mort absolue* (Paris, n.d.); M. Pinot, *Mémoire sur le danger des inhumations précipitées, et sur la nécessité d'un règlement pour mettre les citoyens à l'abri du malheur d'être enterrés vivants* (Paris, n.d.); M. B. Durande, *Mémoire sur l'abus des ensevelissements des morts* (Strasbourg, 1789); Thiery, *La vie de l'homme respectée et défendue dans ses derniers moments* (Paris, 1787); Marin Bunoust, *Vues philanthropiques sur l'abus des enterrements précipités* (Arras, n.d.); Janin, *Réflexions sur le triste sort des personnes qui sous une apparence de mort one été enterrés vivantes* (The Hague,

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[35] "Über die frühe Beerdigung der Todten und über die Ungewissheit der Kennzeichen des wahren und falschen Todes," *Almanach für Ärzte und Nichtärzte* (1790): 183.
[36] Bondeson reviews the evidence and concludes that some people probably were buried alive in the eighteenth and nineteenth centuries, though many fewer than the anti-premature-burial activists alleged. But, of course, precise figures cannot be obtained. See *Buried Alive*, 238–57.

1772); J.-J. Gardanne, *Avis au people sur les morts apparentes et subites* (Paris, 1774). These works echoed Bruhier's main thesis on the matter of seeming death. One French author, however, did take issue with Bruhier and challenged the credibility of his evidence: Antoine Louis, *Lettres sur la certitude des signes de la mort* (Paris, 1752). In the second half of the eighteenth century, German booksellers were quick to publish translations of successful French works, and a German translation of Bruhier's work was published in 1754. To the body of translated literature, however, Germans made their own original contributions, among them an anonymous collection of horror stories, *Wiederauflebungs-Geschichten scheintodter Menschen* (Berlin, 1798); H. F. Köppen, *Achtung des Scheintodtes*, 2 vols. (Halle, 1800); H. V. C., *Wirkliche und wahre mit Urkunden erläuterte Geschichten und Begebenheiten von lebendig begrabene Personen, welche wiederum aus Sarg und Grab erstanden sind* (Frankfurt and Leipzig, 1798), and two works by the famous Weimar physician C. W. Hufeland, *Über die Ungewissheit des Todes und das einzige untrügliche Mittel sich von seiner Wirklichkeit zu überzeugen: Nebst der Nachricht von der Errichtung eines Leichenhauses in Weimar* (Weimar, 1791) and *Der Scheintod* (Berlin, 1808). In the latter work, Hufeland noted that no fewer than twenty-six German books and pamphlets had been published on the subject of seeming death and premature burial in the seventeen years since the publication of his first work on that subject in 1791. Finally, there was also a widespread discussion of seeming death and premature burial in German journals of the second half of the eighteenth century, including *Berlinische Monatsschrift*, *Journal von und für Deutschland*, *Deutsches Museum*, *Neues Hamburgisches Magazin*, *Historisch-politisch-literarisches Magazin*, *Orientalische Bibliothek*, *Ephemeriden der Menschheit*, *Hannoverisches Magazin*, *Lausizisches Wochenblatt*, and *Almanach für Ärzte und Nichtärzte*.