While the majority of the men of your country [Galicia] have deviated from the blessed middle path (ha’orah hamemutsah hame’ushar), embracing instead the imperfect extremes (haqetsot mafsidei hashelemut), you, God’s chosen one, have not. [They have turned], on the one hand, to the Beshitians, who are ignorant, idolatrous false visionaries, and on the other hand, to the Karaites, who lack the authentic, luminous tradition. You, [in contrast.] have succeeded in guiding [others] on the middle path without arrogance. This is a sign of the suppleness of your mind and of the uprightness of your heart.¹

Isaac Samuel Reggio to Samuel Leib Goldenberg, May 26, 1829.

Joseph Perl, arguably Lefin’s most eminent disciple in Austrian Galicia, endeavored to solidify the moderate Haskalah by founding and supporting modern institutions, such as a school, synagogue, and archive, and by continuing his predecessor’s campaign against Hasidism, in the very same geographic region, the southeastern Polish borderlands, that Lefin inhabited.² Yet Perl’s activism, although continuous with Lefin’s program in many ways, responded to a profoundly new political context, the dismemberment of the Poland-Lithuanian Commonwealth, the creation of the new province of

¹ Published in Kerem hemed, 1 (1833): 70. Isaac Samuel Reggio (1784–1855), an Italian Jewish participant in the Haskalah and Hohmat yisra’el, the academic study of Judaism, in Central Europe, used the word “Karaite,” a term referring to ninth-century opponents of rabbinic Judaism, as an epithet against modernizing Jews of his period who abandoned rabbinic law. As he stated later in the letter, “The principle difference between them [the modern Karaites] and us is the Babylonian Talmud, specifically the Amoraic teaching regarding their methods of legal exegesis; they [the Karaites] have rebelled and raised their voices against this issue.” See 71. On the analogy between Karaites and nineteenth-century reformers, see Ezra Spicehandler, “Joshua Heschel Schorr: Maskil and Eastern European Reformist,” HUCA 31 (1960): 201.

Galicia and Lodomeria, and its subordination to absolutist Habsburg rule. As I have argued, the partitions of Poland and the subsequent control of partitioned Polish lands by the absolutist states of Europe were the central historical events of the region at the end of the eighteenth and beginning of the nineteenth centuries. Perl’s construction of Jewish modernity was indelibly shaped by the new form of the state that was now sovereign in the southeastern Polish borderlands.

While Lefin labored intellectually under the patronage of a Polish republican aristocratic family and within the context of the decentralized political structure of the Commonwealth, Perl worked within a spiritually and politically charged new environment. The partitions of Poland changed the political stakes of the Haskalah by subsuming the activism of the maskilim under the aegis of a centralizing tutelary state. Perl appealed directly to both the Imperial Viennese and the provincial Galician authorities in his efforts to foster the growth of a modern and religiously observant Galician Jewry that was not steeped in mysticism. Although the Habsburgs took control of Perl’s region in 1772 under Maria Theresa’s reign, major transformations in the state’s attitude toward its Galician subjects occurred only with the ascension of Joseph II to the throne as sole regent from 1780–1790. Joseph’s commitment to reforming activism, which will be explored in detail below, both encouraged the efforts of modernizing Jews like Perl and directly threatened the autonomy of the traditional Jewish community. Joseph II’s successors, rather than continuing his efforts to rationalize the administration of his lands, retreated from intervening into the social structure of Galicia, including the organization of the Jewish community, and bolstered the traditional features of the province. Restoration Austria’s political conservatism thus thwarted the goals of the maskilim. This chapter explores Perl’s undaunted efforts to make Galician Jews modern, with or without the alliance of the state.

Like Lefin, however, Perl’s conception of the Haskalah was shaped not only by state politics. This chapter’s assertion that the era of the partitions is the critical turning point in European Jewish history also highlights an internal dimension of the history of Polish Jews that was simultaneous with the dismemberment of the Commonwealth: the consolidation of Hasidism and the crystallization of its opposition. 1772, the year of the first partition, marks the promulgation of the first public ban against the Hasidim and the emergence of the mitnaggedim as a religious stream within traditional Ashkenazic Judaism. Hasidism’s spiritual conquest of most of Galician Jewry

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3 On the Prussian case, see Sorkin, *The Transformation of German Jewry*.

by Perl’s lifetime made the objects of his reformist energy impervious, if not
hostile, to his work. The chapter will investigate Perl’s dogged lifelong cam-
paign against Hasidism and focus on the way in which his anti-Hasidic polemic invigorated his critique of Ashkenazi Jewry’s attachment to religious custom (minhag). Religious custom, more than Jewish law (halakhah), had created the stumbling block, Perl asserted, to his efforts to transform Polish Jewry. Perl’s critique of Hasidism, like Lefin’s, rested on his conviction that the new spirituality subverted the traditional rabbinic culture of Ashkenazi Judaism. As a moderate maskil, he sought to protect that culture from what he believed to be its further debasement. Perl’s formulation of the Haskalah in Austrian Galicia can thus be understood only through an examination of the complementary and necessary dependence of the inner dynamics of Jewish culture with the host environment. In other words, modernizing Jews like Joseph Perl shaped their conception of modernity in two contexts: the new politics of Austrian absolutism and the triumph of Hasidic piety among Polish Jews.

The Creation of Galicia

When Maria Theresa (reign: 1740–1780) participated in the first partition of Poland she claimed as Habsburg territory the lands of the medieval Galicia-Volhynian Kingdom, which the Hungarian royal house had considered part of its historic legacy since the thirteenth century. In 1772, the Habsburgs renamed these lands the Kingdom of Galicia and Lodomeria (the Latin form of Volhynia) and absorbed them as a province of the Monarchy. Military presumption defined the boundaries of the freshly-created province, which did not parallel the borders of the medieval Ukrainian-Ruthenian Principality-Kingdom of Halych-Volyn (Galicia-Volhynia). The new province actually included little of Volhynia, but incorporated the former Polish palatinates of Rus’ (minus the northern half of the palatinate of Chelm), Belz, and the section of Podolia west of the Zbrucz River (see map 2). The province’s geographic area comprised 83,000 kilometers and 2,797,000 inhabitants. In 1774, the Habsburgs acquired Bukovina from the Ottomans, and formally

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added its territory to Galicia in 1797. Maria Theresa did not participate in the second partition, but doubled the size of Galicia and Lodomeria after the third. The Napoleonic Wars represented a setback to the Habsburgs’ imperial ambitions when, in 1809, a section of Austrian Galicia was lost to the French, becoming the Duchy of Warsaw, and later fixed at the Congress of Vienna, as the Congress Kingdom of Poland. The Tarnopol region, too, became Russian during the Napoleonic conflict, but was returned to Austrian rule in 1815. Cracow, an independent city-state since 1815, was formally subordinated under Habsburg rule only in 1847.7

Much like the eleven eastern provinces of the former Polish-Lithuanian Commonwealth (including Belorussia and eastern Ukraine) taken by Catherine the Great in the partitions, and later designated as the "Pale of Settlement,” the new province of Galicia and Lodomeria was home to one of the most densely populated areas of Jewish settlement in Europe. Horst Glassl estimates that there were 225,000 Jews in Galicia in 1773;8 other historians state that 260,000 Jews had become subjects of the Habsburg Monarchy by 1795.9

A comparison between the policies of the Russian and Austrian authorities toward their new territorial acquisitions and residents underscores the claim that the form of state, not a preoccupation with the Jews themselves, was the most decisive factor informing the legislation or government edicts regarding the Jewish community. The creation of the Pale of Settlement, although viewed by most traditional Jewish historiography as an act of anti-Jewish geographic restriction was, as Richard Pipes has shown, continuous with previous Russian legislation regarding the Jews. Catherine the Great issued an order in 1772 affirming prior privileges for the Jewish community now under her authority to continue living where they had always lived and practicing the professions they had always practiced. Jewish requests to settle in the Russian interior, which had always been denied them, remained on the books, but Jews could move to “New Russia,” the newly conquered areas around the Black Sea. Catherine’s primary concern after the partitions of Poland was in augmenting her tax base through levies on her new subjects, whom she attempted to categorize based on socio-economic gradations.10

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we saw earlier, Alexander I’s Edicts of 1804 had minimal impact on the Jewish community in the Pale. There was no major change in the life of the Jews resident in Russian Poland until the ascension of Tsar Nicholas I and the beginning of universal military conscription of the Jews.11

In contrast to the former Polish Jews now living in the Pale of Settlement, whom the Tsars (until Nicholas I) basically ignored, former Polish Jews living in the new province of Galicia and Lodomeria faced an activist absolutist state with a clear political agenda to centralize political authority under the Crown and with relatively more bureaucratic tools to effect its goals. While most historiography on the Jews of Austrian Galicia has emphasized the pernicious anti-Jewish sentiment of the new authorities, examination of Habsburg policy shows that the Jewish population of the southeastern borderlands constituted only one of many simmering political issues for the new authorities, including the explosive “peasant question”12 and what would later be considered its “nationalities question:” how to rule over an ethnically, religiously, and nationally heterogenous population.13 In contrast to its


A “national triangle” of Poles, Jews and Ukrainians existed in the southeastern Polish borderlands now under Austrian rule, finding social and political expression in peasant
neighbor in the East, Habsburg policy in Galicia and Lodomeria strove almost immediately to cope with its new Jewish population. It did so, however, not as a result of anti-Jewish animus, but as part of a general policy to centralize its authority.

Absolutism and Habsburg Policy for the Jews of Galicia

I take as my starting point that absolutism defined the modernization of East Central European states. Absolutism meant the state’s assertion of its authority as the *preeminent* authority in society, which directly conflicted with older forms of social and political organization, such as the ecclesiastical and noble orders. From the Thirty Years War forward, the state, often in the form of the Emperor or King, initiated policies to centralize and to bureaucratize its control over its subjects and to reduce its dependence on the nobility and Church. While orders came from the person of the King or Emperor, the abstract interests of the state were affirmed as superior to the leader’s personal needs, expressed famously in Frederick the Great’s dictum, “The King is the first servant of the State.” The political processes of centralization informed the state’s attitude toward the economy, the educational system, and the power of the Church. Culturally, a whole new host of ideas, such as the “felicity” or general welfare of its subjects and the “utility” of a particular policy for the benefit of the collective whole, accompanied the state’s assertion of its authority. The political drive to utilize, even exploit, all of the Monarchy’s subjects equally resulted in an implicit toleration of ethnic and religious difference, which, in turn, became ideological hallmarks of the Enlightenment.14 Cameralism, the belief that national wealth and military strength were the key to a state’s power, informed the policies of the


absolutist state, which strove to unify civic life, trade, occupations, morals, and health under the overarching control of the central authorities. While there were important distinctions among the absolutist policies of Maria Theresa, Joseph II, Frederick the Great, and Catherine the Great, all of them shared a commitment to top-down centralization of their control over society and to subordination of competing local sources of authority. Penetration of Enlightenment ideas infused the policies of the Habsburg and Prussian Emperors to a much greater degree than they did those of the Russian Tsars.

While absolutist centralism and control informed the policies of Maria Theresa, “enlightened” or “reforming” absolutism defined those of her son, Joseph II. The terms “enlightened” and “reforming” connote the crafting of the state’s policies in the spirit of the progressive, optimistic, and rationalizing trends of the European Enlightenments that valorized individual self-cultivation and morality (Bildung) while still professing a belief in an omnipotent and omniscient Creator and the just arrogation of power by one ruler. Enlightened absolutism was not democratic. Rather, Joseph II strove to prevent the spread of revolutionary and democratic ideas of the French Revolution and endeavored to thwart social unrest through his own top-down, state-initiated juridical, educational, economic, and peasant policies. Joseph II’s statecraft was indebted to cameralist theory, which advocated rationalizing and professionalizing the state’s bureaucracy, creating a secular civil realm, and subjugating the clergy to its authority. Vienna under Joseph’s sole rule was, in many ways, a paradigm for the centralizing, interventionist, tutelary absolutist state.

The encounter between the state and the Jewish communal governing body, the kahal, with its broad local privileges that embodied Jewry’s autonomous and privileged status, became the defining interaction in the transition from medievalism to modernity for Europe’s Jews. As Salo Baron long ago argued, its corporate existence could not be tolerated in the modern nation-state. The process of “emancipation,” the granting of civic

status, naturalization, national equality, and equal political rights to the Jews occurred in direct relationship to the state’s transformation into a modern nation-state founded on the rule of law and informed by Enlightenment principles (religious toleration, secularization, scientific thought, reason, and individualism). In the centralizing absolutist states of Central Europe, however, the kahal continued to exist throughout the nineteenth century, representing both an obstacle to modern state-building and a symptom of their incomplete modernization.

Raphael Mahler (1899–1977), the Galician-born historian whose work on nineteenth-century Polish and Galician Jewry is still profoundly influential thus rightly focused on the relationship of the absolutist state to the formal Jewish community. For Mahler, an avowed Jewish nationalist, the absolutist state’s drive toward centralization, which required the dissolution of all local privileges, including the authority of the kahal, was a deliberate attack on the “national” component of Jewish life in Galicia. Positioning himself as a materialist historian against the dominant school of cultural and literary history represented by the Russian-Jewish historian, Simon Dubnow (1860–1941), Mahler asserted that the Haskalah represented the cultural expression of the rising Jewish bourgeoisie and Hasidism that of the oppressed Jewish masses. As a proponent of Ber Borochovian Zionism, a variant of Marxist-Zionism, Mahler sought to uncover the “true” teleological forces


21 The organized Jewish community also continued to exist in France, the model for full political equality, albeit in an attenuated form and supervised by the state. See Phyllis Cohen Albert, The Modernization of French Jewry: Consistory and Community in the Nineteenth Century (Hanover, N.H.: Brandeis University Press, 1977).


23 For his critique of Dubnow, see Raphael Mahler, A History of Modern Jewry, 1780–1815 (New York: Schocken Books, 1971), xi–xii. Mahler believed that Hasidism and Haskalah were dialectical opposites, representing fundamental contradictions in the socio-economic foundations of Polish-Jewish society. Hasidism was the ideological manifestation of the disenfranchised, Jewish petty bourgeoisie that was still dependent upon the feudal economy. In contrast, the Haskalah movement, “in its political view and Weltanschauung . . . adhered to the ruling absolutism” and its “progressiveness . . . [could be] measured by the degree of progressiveness of the bourgeoisie, the class that carried on the struggle against social and political feudalism.” See Eugene Orenstein’s introduction to Mahler, Hasidism and the Jewish Enlightenment, xiv–xvi. See, too, Immanuel Etkes, “The Study of Hasidism: Past Trends and New Directions,” in Hasidism Reappraised (ed. Ada Rapoport-Albert; London: The Littman Library of Jewish Civilization, 1996), 449.
within history that would lead to the liberation of Diaspora Jewry from the tutelage of the Gentile state.\textsuperscript{24} He therefore excoriated the loyalty of the maskilim to the non-Jewish state, whether Polish, Russian, Austrian, or German. Although the political allegiance of the maskilim to the absolutist state was an inexorable necessity of scientific Marxism’s reading of history, Mahler’s ideological commitments to Jewish “autoemancipation” meant that he anathematized their activism as opportunistic toadyism.

More recently, David Biale, continuing in Mahler’s nationalist tradition, argued that the maskilim “glorified” the modern state and harnessed themselves to its power as they made a bid to replace the traditional leadership of the Jewish community (the lay leaders of the kahal and the rabbinic authorities). While Biale correctly noted that many maskilim evoked the rabbinic dictum, 	extit{dina dimalkhuta dina} ("the law of the land [the Gentile hosts] is the law") as a rationale for their political allegiance to the politics of absolutism,\textsuperscript{25} his interpretation, like Mahler’s before him, is problematic for several reasons. First, it anachronistically projects a nineteenth- and twentieth-century nationalist agenda onto the whole of Jewish history. Second, it posits the political powerlessness of the medieval Jewish community as a strawman against whom the maskilim battled. As Ismar Schorsch has persuasively argued, medieval Jewry was not confined to a non-political existence characterized by oppression, defamation, persecution, and martyrdom.\textsuperscript{26} Rather, the stewards of the Jewish community employed a whole host of strategies, including knowledgeable and sophisticated intercession, tax negotiation, and well-positioned bribery, to assure the security of their people. Third, it limits the Haskalah to its politics, diminishing the cultural dimensions of its vision of Jewish life in the modern period. The etatism of the maskilim of Galicia, including that of Joseph Perl, is inarguable, but it was only one component in their efforts to transform Galician Jewry. In other words, the ideas of the Haskalah should not be reduced to the ways the ideology of the


maskilim and their relationship to the non-Jewish state did or did not thwart Jewish national self-awareness.27

Habsburg administration of the new province began officially in December 1773, but Empress Maria Theresa had already initiated her rule through the creation of fifty-nine administrative districts (Bezirke) within six regions (Kreise). The Crown directly administered the province from Vienna and installed provincial governing councils (Gubernium) that Kreise officials oversaw. Such state activism was necessary given the unwillingness of Galicia’s noble class, Poles all, to submit at this early stage to Viennese rule. The Kreise and Bezirke appointees supervised the judicial and administrative matters of the manorial estates that dominated Galicia’s socio-economic landscape. Vienna appointed a governor of the province to be its first bureaucratic address and in 1776 the office of the governor was given control over all departments of provincial authority. Maria Theresa named Count Auersperg as provincial governor in 1774 and he served until 1780. Centralization of authority continued in 1782, when the financial and administrative authorities of Bohemia (which included Galicia, Moravia, and Silesia) were merged into the United Bohemian-Austrian Court Chancery.28

On July 16, 1776, Empress Maria Theresa promulgated the Galician Jewish Ordinance (Galicienjudendurordnung) in order to begin formal rule of her realm’s new Jewish subjects. Personally, Maria Theresa vacillated between her Counter-Reformation religious animus against the Jews, which resulted in the expulsion of the Jews from Prague in 1744–1745, and mercantilist aspirations that sought to exploit the Jews economically.29 In Galicia, subordination of the Jewish community defined her statecraft. The Ordinance divided the Jewish community into six regions that corresponded to the Kreise. It reaffirmed medieval Jewish privileges, e.g. self-government and

27 Yet historiography has its own inner dialectic. For a contemporary critique of the preoccupation with the ideology of the Haskalah, see Mordechai Zalkin, Ba’alot hashahah: has kindah hayaḥid be’imperiyah karut bi’mi’ah hatesha-esreh (Jerusalem: Magnes Press, 2000) and Mordechai Zalkin, "The Jewish Enlightenment in Poland: Directions for Discussion," in Qiyyum veshever: yehudei Polin ledoroteihem, vol. 2 (ed. Israel Bartal and Israel Gutman; Jerusalem: Zalman Shazar Center, 2001), 391–415.


29 Robert S. Wistrich, The Jews of Vienna in the Age of Franz Joseph (New York: Oxford University Press, 1990), 15. The conflict between Maria Theresa’s values meant that in Trieste, the Habsburg port on the Adriatic, mercantilist considerations overruled her staunch rejection of the principle of civic toleration of the Jews. On April 19, 1771, she extended to Triestine Jewish merchants an exceptional privilege, for which they paid handsomely, to live, work, and form a Jewish community in the city, civic toleration by any other name. See Dubin, The Port Jews of Habsburg Trieste, 41–63.
communal autonomy, but also introduced a greater measure of government supervision than under Polish rule, including the creation of a Jewish Directorate (General-Directorate) that was to be the collective representative of Galician Jewry to Vienna. The Jewish Directorate, comprised of a chief rabbi (Landesrabin) and six elders, was to oversee the merging of smaller Jewish communities into larger ones, and to supervise their financial transactions, particularly issues related to kahal indebtedness. The Imperial election commission supervised the election of the chief rabbi, who was elected by twelve sages (two from each Kreis) and six delegates (one from each Kreis) who had taken an oath that they were not related to the candidates. Three names were then sent to the Empress, who made the final selection. The chief rabbi’s jurisdiction was both religious, which in and of itself meant all matters related to Jewish life, and administrative.³⁰

Maria Theresa’s subordination of the power of local Jewish authorities, whether economic or spiritual, to the rule of the state, paralleled her general policy toward all local privileges, including Christian religious education.³¹ The Empress’s desire to create a uniform set of educational requirements for her populace was encouraged in July 1773, when Pope Clement XIV dissolved the Society of Jesuits, freeing up monies and property for the state. Maria Theresa received roughly thirteen million florins of income to bolster her educational reform efforts, which she spurred by the creation of a new school commission comprised of enlightened thinkers and reform Catholics. On December 6, 1774, she promulgated a school edict, the Allgemeine Schulordnung, endeavoring to make elementary education compulsory for her vast population. Under the personality of Johann Ignaz Felbiger, the Habsburgs embarked on a broad campaign to instill in their subjects loyalty to the state as the embodiment of the best values of the Church. Uniformity of instruction throughout Habsburg lands was the goal. In 1776, the school commission created a network of Normalschule, most of which were established in former Jesuit gymnasia, whose graduates were intended to fill the ranks of teachers for newly created primary schools. By 1779, 546 of them were teaching in Viennese and Lower Austrian primary schools. While universal literacy in German was a goal of the school reform, the Monarchy’s linguistic diversity was an impediment to the school reform’s goal of universal literacy. In 1780, the Court Chancellory conceded that Polish might still be used to “instill religion and morality” in Galicia.³² Educational

reform of the Jewish community of Galicia would also be addressed by Vienna, as we shall see below, but with less success. Because Maria Theresa’s primary interest in the Jews was economic, to assure that they continued to provide much-needed tax revenue from the poor province, she increased taxes on meat, candles, marriage, and toleration under her rule. Despite the state’s incipient intervention in local Jewish privilege, little else changed in the lives of Galician Jews under her reign.33

The ascension of Joseph II as sole regent in 1780 marked the beginning of a concerted Habsburg effort to reform the social structure of the province from above and center. His policy toward Galician Jewry was part of an overarching commitment to integrate the Jewish community throughout the Monarchy, an effort embodied in a series of edicts, known as the *Toleranzpatente* (October 18, 1781, Bohemia; December 15, 1781, Silesia; January 2, 1782, Lower Austria; February 3, 1782, Moravia; March 31, 1783, Hungary; May 7, 1789, Galicia). Joseph II sought to incorporate the Jewish community into the Monarchy by subsuming Jewish law under the civil law of the state, redirecting the economic behavior of the Jews away from lease-holding and trade and toward agricultural and artisanal crafts, and broadening the educational program in Jewish schools. Jewish schools were required to use German, since 1784 the official state language, and to provide instruction of secular subject matter, such as arithmetic and geography, necessary for participation in civil society.34 The edicts embodied Joseph II’s activist politics, which sought to strengthen and modernize the state by dissolving all prior medieval corporate privileges and institutions in order to make the peoples of the Monarchy “useful” and loyal subjects. Despite the overarching general goals that informed all of the edicts, however, each edict was shaped to suit the province or city for which it was intended, and requires a specific investigation.35

Galicia posed very specific and difficult obstacles for the Emperor that caused a delay in the promulgation of the province’s edict. Pervasive social problems characterized the region. Over seventy percent of the province’s

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35 See Dubin, *The Port Jews of Habsburg Trieste*, 72, on this point. For the dismayed reaction of some members of Triestine Jewry, for whom the official edicts represented a curtailment of their privileges, see 143–48.
2,000,000 inhabitants were enserfed peasants required to perform labor duties (robot) for the nobility, to whom they were completely subject. Noble privilege dictated the ability of a serf, who could be bought, sold, or leased at the noble’s discretion, to marry and pursue a trade. The grain-based manorial system resulted in the laws known as propinacja, which required peasants to purchase alcohol distilled in noble breweries and led to widespread alcohol abuse. Noble privilege dictated the ability of a serf, who could be bought, sold, or leased at the noble’s discretion, to marry and pursue a trade. The grain-based manorial system resulted in the laws known as propinacja, which required peasants to purchase alcohol distilled in noble breweries and led to widespread alcohol abuse. The province was also home to a larger, poorer, and more traditional Jewish population than all the other Habsburg territories combined. Vienna’s efforts in Galicia focused on reforming the productive relations in the countryside in order to stimulate the development of cities, trade, and manufacture, and to make the province more productive and its residents more useful to the state as a whole.

In 1782, after several trips to the new province, Joseph II reorganized Galicia, raising the number of Kreise to eighteen from six, hoping that the new structure would give the state more control over the region, particularly over the noble manors (dominia). Austrian legislation soon replaced the Polish system, curtailing noble privilege. Their local parliaments (dietines) were abolished and the much-vaunted "equality" cherished by the Polish nobility was challenged by their designation into two separate estates, magnates and gentry. What little burgher influence existed was impeded when the Habsburgs removed their urban councils. The Imperial Governor (Gubernator/Naczelnik), located in Lemberg (formerly Polish Lwów), the administrative center of the province, was now its official central authority. These administrative and legal reforms were motivated by Joseph II’s centralizing aims. His policies on church-state relations and religious toleration were informed by his Enlightenment commitments.

On May 27, 1785, the Emperor issued a provisional general edict for Galician Jewry (Judensystem in Galizien). The new law sought to dissolve...
medieval Jewish privileges in order to subordinate the Jewish community under the authority of the centralizing state. Toward these ends, Joseph II eliminated Maria Theresa’s Jewish Directorate, subjecting the rabbinate and its scribes and courts to the state’s control. The provisional law reformed the tax structure toward a more progressive, less onerous burden, but nonetheless maintained special taxes for the Jews, forbade peddling, and encouraged them to work in agriculture. The provisional edict also attempted to redirect Jewish economic behavior away from the professions, leasing, liquor distillation, and tavern keeping, which had defined the economic interdependence of the Jewish community and their Polish noble hosts for centuries. The edict’s fourth paragraph expressed Joseph II’s bald economic agenda:

In order to stimulate Galician Jewry toward agriculture and other useful crafts and occupations, freedom to purchase land and pursue trade will be granted. Those who lease or buy land are permitted during the first three years to employ qualified Christian workers, from whom they can acquire agricultural knowledge. Those Jews who assiduously pursue useful crafts should not be hindered in their work and trading of guild products if they contribute their share to these guilds as Christians do.

Standardizing the language of his administration became critical to Joseph II’s cameralist aims because no centralized authority could function effectively without a common language. Paragraph five of the provisional legislation for Galicia demanded that Jewish businessmen and shopkeepers maintain all their books and registers in German or Polish (a temporary concession to the dominant vernacular of the province) and forbade their extending credit according to past Jewish business practices and credit customs. Disseminating German as the official state language became policy and, in turn, informed Joseph II’s educational goals in the official edict, issued four years later, on May 7, 1789.

41 Karniel, “Das Toleranzpatent Kaiser Joseph II.” and Myovich, “Josephism at its Boundaries,” 262–69. Joseph II had visited Karaite settlements in Poland and Crimea and viewed their subsistence from agriculture as a model for a new Jewish economic profile. In Bohen tsaddiq (The Test of the Righteous), the sequel to Perl’s anti-Hasidic novel, Megalleh temirin (Revealer of Secrets), the protagonist Ovadiyah ben Pesakiyah discovers a Jewish agricultural paradise in New Russia and Crimea. See [Joseph Perl], Bohen tsaddiq (Prague, 1838), 98–119.
42 For example, Jacob Leczinski calculated that of a population of 3,690 in Zytomierz in 1789, 39.1 percent of the Jewish population, which comprised 23.9 percent of the population as a whole, was engaged in tavern keeping. Jacob Leczinski, “The Condition of Ukrainian Jewry at the End of the Eighteenth and the Beginning of the Nineteenth Centuries,” He’avar 7 (1960): 6–14.
43 Published in Karniel, “Das Toleranzpatent Kaiser Joseph II.,” 72.
44 Ibid.
Habsburg policy toward the Jews of Galicia as embodied in the Edict of Toleration for Galicia was first and foremost informed by its general etatist aims; parity and utility were the guiding principles of Joseph II’s reform efforts toward the Jews, the Roman Catholic and Eastern Churches, the nobility, burghers, and peasants. The Emperor was quoted as saying, “National and religious differences must not make the slightest difference in all this and all must feel themselves to be brothers in a single monarchy, all striving to be useful to each other.” While the Galician provincial authorities, embodied by the Galician Court Chancellory that represented noble interests, resisted Vienna’s effort to equalize the privileges and duties of the Jews, the final version of the edict reflected Joseph II’s enlightened principles. Its preamble stressed parity between the state’s treatment of Jew and Christian, and emphasized the desire to remove any legal distinction (Unterschied) between Christian and Jewish subjects. It claimed as its aim the bestowal of “all of the benefits and privileges” (alle Begünstigungen und Rechte) enjoyed by other subjects upon the Jews and to regard them “in the same way as other subjects.” The edict outlined the state’s cameralist expectations in the following areas of public life: religion, education, communal organization, population levels, economic behavior, political and legal authority within the Jewish community, and duties toward the state.

The very first paragraph under the section on Religion affirmed the “free and unhindered practice of [the Jewish] religion provided [it was] not in conflict with the state’s law.” However, the independent communal autonomy of the Jews, embodied in the Jewish municipality with its extensive internal administration that guaranteed the autonomy of Judaism as defined by the traditional rabbinate, could not but conflict with the state’s centralizing aims. Subsequent paragraphs abolished the kahal rabbinate and

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45 Cited in Blanning, Joseph II, 59. On Joseph II’s debt to natural law theories as the basis of his reformist policies, see Scott, “Reform in the Habsburg Monarchy.”
46 The edict for Galicia affected the largest Jewish community in Europe. Its neglect in the historiography is part and parcel of the preoccupation with the stunning full political emancipation gained by French Jewry in 1791, the lingering imperialism of Russian historiography over Polish, and the general disregard for matters Polish in European historiography. See Piotr S. Wandycz, “Historiography of the Countries of Eastern Europe: Poland,” The American Historical Review 97, no. 4 (1992 October): 1011–25.

Polish noble landlords in Galicia resented and opposed Austrian centralization that threatened their economic power, and strove to retain control over the peasants and Jewish administrators living on their lands. See Glassl, Das österreichische Einrichtungswerk and N. M. Gelber, “The History of the Jews of Tarnopol,” in Entsiklopediah shel galuyyot: Tarnopol, vol. 3 (ed. Phillip Krongruen; Jerusalem, 1955), 41.
stipulated that only the *Kreis* rabbis, representing the large regional cities, were to be authoritative. Jews living in smaller communities could be served by “religious servants” and cantors supervised by the regional rabbinate, whose salaries were to be standardized under the state. The regional authorities (*Kreisamt*) were to oversee the election of the regional rabbi. Itinerant preachers and cantors were not to be tolerated; private religious services could be held, but only with payment of a tax. By 1795, all of the regional rabbis were to know German.48 From the Habsburg perspective, subordination and standardization of an official, state-sanctioned rabbinate was merely part of its overarching goal to dissolve all vestigial structures of feudal privilege. It had done the same with its Christian population in Galicia by circumventing the power of the Pope in Roman Catholic affairs and by bolstering the status of the Greek Orthodox (Ruthenian) Church through its dependence on state support. Habsburg enlightened reform was not anti-religious, although it was anti-clerical and interventionist; Joseph II believed in promoting religious values and confessional education in the service of the state.49 Vienna viewed its efforts on behalf of the Jewish community to be an equitable quid pro quo of granting unhindered religious expression in exchange for the Jewish community’s unequivocal commitment to the state’s centralizing aims.50

The edict’s section on education attested to Vienna’s goals of making the Jewish community of Galicia useful to the state by creating a network of German schools modelled after the *Normalschulen*. Teachers literate in German were to translate the state’s oaths of duty to the students, ensure that graduates knew German, and prevent marriages of those untutored in the state’s language. Jews who wanted to teach in these schools were required to attend a regional teachers’ seminary in Lemberg under the supervision of the state’s education directorate. The establishment of these German schools for the Jewish community, and their subsequent failure, will be discussed below.

Jewish communal organization was now to be conjoined with the political communities, and Jews could be counted as members of those communities with their fellow Christians. Despite this erosion of the kahal’s independence *de jure*, the Jewish municipality still raised communal taxes and provided for the community’s social and religious needs *de facto*. Paragraphs 19 and 20 of the edict read:

48 Ibid., 75–76.
The duties of the [communal] leadership are: to represent their communities when necessary, to speak in their names, to plead their cases, to worry about provisioning poor Jews, to raise the contributions for communal expenses if there is an unforeseen communal expenditure, to utilize the regional authority, and, overall, to take care of and handle that which aims at the welfare of the community. . . . Each community, according to the ratio of its power and assets, will designate a yearly loan of money or another benefit — confirmed by the regional authority — to the heads of the community. The poll taxes however are to be totally overhauled by them.\(^{51}\)

In contrast to the historiographic assessments of these paragraphs of the edict as abrogating Jewish communal autonomy in order to erode Jewish identity,\(^{52}\) comparison with the dissolution of the \textit{va’ad de’arba artos} (Council of the Four Lands) in the Polish-Lithuanian Commonwealth in 1764 and of the kahal in Russian lands in 1844 reveals a different interpretation. While King August Poniatowski dissolved the Council of Four Lands in mid-century, the municipal structure of Polish Jewry, the local kahal, continued to exist, which explains why the condition of the Jews’ municipal government and civil status was so hotly contested during the Four-Year \textit{Sejm}.\(^ {53}\) As Michael Stanislawski has argued, the dissolution of the executive agency of the Jewish community in the Pale of Settlement did not attack the “legal integrity and autonomy of the Jewish community.” Until the Provisional Government emancipated Russian Jewry in 1917, most Jews continued to be recognized as belonging to their local Jewish communities.\(^ {54}\) The state’s incursion into the autonomy of the Jewish community without the concomitant granting of full political rights in the context of the total dissolution of all pre-modern privileges meant that Jewish communal autonomy continued to exist. In Galicia, the persistence of a communal tax on the Jews, as well as the continuity of religious authority in the areas of marriage and divorce (which the 1789 legislation, as well as the earlier empire-wide \textit{Ehepatent}


maintained) illustrates the incomplete state-building inherent in the official edict.\textsuperscript{55} Joseph II was an enlightened absolutist reformer, not a revolutionary, and the 1789 law for Galicia reflected his commitment to an evolutionary, top-down reform of society, which maintained many components of his ancien régime. In the late eighteenth century, Galician Jewry certainly faced a more activist state than when they resided in the Polish-Lithuanian Commonwealth or than did their brethren in Russian lands. Yet, although standardized and regulated by the state, the Jewish municipality continued to guide the official internal life of Galicia’s Jews.\textsuperscript{56}

The issues of population and economics were intimately connected and the edict strove to keep Galician Jews in Galicia while making them both more productive economically and reducing tension with the indigenous peasantry.\textsuperscript{57} In contrast to the edicts for Lower Austria, Bohemia, and Moravia, the Galician edict did not strive to decrease the population of the Jews, and therefore rescinded the marriage tax entirely. The census of the Jewish population was to be conducted by the army, with the same standards that had been applied to the Christian population.\textsuperscript{58} Freedom of movement within Galicia for Galician Jews was guaranteed, although emigration to and settlement in the province required proof that the newcomers would sustain themselves by agricultural production. An exit tax and documentation of the resolution of all debts was mandatory for those Jews seeking to leave Galicia. To maintain order, the holy grail of the absolutist state, all Jews were required to take surnames and “to maintain an accurate register in German of births, weddings, and deaths, in precisely the manner as these registers are maintained by the parishes of the Christian communities.”\textsuperscript{59}

The edict’s economic provisions for Galicia’s Jews illustrate the singular economic condition of the province. No restrictions were placed on Jewish involvement with trade and Jews could be equal members of guilds, as well as sell their products to Christians. But Jews were expressly forbidden to hold leases on taverns, noble properties, and mills. They could no longer lease a tenth (Zehent) of a manorial farm or hold the leases on market stalls, meadows, paths, and roads owned by the nobility. The edict’s preeminent

\textsuperscript{55} On the tax classes in the edict, see paragraph 22 in Karniel, “Das Toleranzpatent Kaiser Joseph II.,” 80. On the Ehepatent (Marriage Edict), see below.

\textsuperscript{56} As we have explored earlier, and as we will see below, Hasidism had sorely tested Jewish communal authority before the partitions and would continue to do so under Austrian sovereignty.

\textsuperscript{57} Myovich, “Josephism at its Boundaries,” 262.

\textsuperscript{58} Karniel, “Das Toleranzpatent Kaiser Joseph II.,” 80.

\textsuperscript{59} Published in ibid., 81. On the metrical books in Russian-Jewish society as a source for the social history of Jewish marriage and divorce, see ChaeRan Freeze, Jewish Marriage and Divorce in Imperial Russia (Hanover, N.H.: Brandeis University Press, 2002).
concern, which it euphemistically referred to as “necessary for the welfare of
Galicia’s subjects,” was the nexus between alcohol consumption, innkeeping,
and the peasants. Although the nobility owned the lands, distilleries, and
taverns throughout Galicia, the Jewish community had long been the
middlesmen administering this critical aspect of the economy. Weaning the
peasants from alcohol consumption was a way to loosen the noble strangle-
hold on the province. Incapable of confronting the Polish nobility head on,
the Habsburgs sought to weaken their economy by delimiting the permis-
sable leases their Jewish administrators could hold. Paragraph thirty-two of
the edict forbade Jews to hold leases on taverns and mandated that both the
Jewish arrendator and the noble owner were liable for financial penalties
should the law be broken. The third time the law was broken meant noble
forfeit of the land. The only tavern-keeping permitted to the Jews was
private. 60

Although Galicia’s edict, in contrast to those of the other Habsburg terri-
tories, did not prohibit Jewish involvement with trade, it nevertheless urged
Jewish settlement on the land. While the regional authorities were to deter-
mine the number and location of the Jewish colonists, their “promotion
toward productive labor,” however, was to be at the expense of the Jewish
community itself. Jews who could prove that they sustained themselves and
their families from agriculture were exempt from paying the protection tax
(Schutzsteuer). 61

The edict strove to constrict the autonomy of the Jewish municipality (the
kahal) and to subordinate the adjudication of political disputes to the
authority of the state. This meant that a Jew, “like other subjects,” was to
bring a complaint of a political nature first to his local authority, second to
the regional authority, and last to the Imperial authority. The complaint
registered with the local authority could be in a provincial vernacular, but
any higher political authority would only hear a petition addressed in
German. The Jewish community as an administrative unit was not to be
involved with any political disputes; the edict singled out the prohibition on
rabbinic h*rem as a means of Jewish political and social control. The state’s
courts, not the Jewish communal courts, were to adjudicate all legal disputes
between Jews and Christians and among the Jews themselves. The Habsburg
state’s concern with the means of social control within the Jewish community
contrasts with the benign neglect that characterized Polish magnate

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treatment of the internal politics of the kahal; the institution of h*rem posed

of Tarnopol.” The 1789 edict thus anticipated Tsar Alexander I’s concerns with reducing
Jewish control of taverns and distilleries in 1804. See Chapter Two.

no threat to magnate authority, whose sole concern was to elevate the fees for the rabbinic office as much as possible. The Jews living on the private lands of pre-partitioned Poland could police themselves as they wished. Habsburg subordination of the judicial authority of the kahal was stipulated in the spirit of parity, to equalize the legal treatment of all the Emperor’s subjects (according to social class); the principle of parity also informed the stipulation that no outward signs of difference in terms of specific dress and clothing for the Jews were to remain on any legal books. Only the rabbinate was to be permitted to distinguish itself by its costume.62

The last section of the edict, entitled “Duties toward the State,” asserted that Jews were entitled to the same civil protection afforded to Christian subjects, in exchange for which they were equally bound by civil duties and particular payments. Now considered part of the general political communities in which they lived, the Jews were obligated, “like Christians,” to provide services to the state, including building roads, supplying horses and cattle for the military, and securing labor for dam construction. By far the most important duty now mandatory for the Jewish community was military conscription, an issue with far-reaching implications for Jewish communal autonomy and life.63 In recognition, however, of their special religious needs, Jewish recruits were kept together in purveying and transportation units, “where they can eat together communally according to their religious conceptions and customs,” and consideration was to be given “not to press them to do any other work on the Sabbath than that which necessity demands and for which Christians are urged to do on Sunday and [Christian] holidays as well.”64 This religious consideration undoubtedly allowed the state to control the desire of those Jews who wanted to advance in the military, but also established the Habsburg army as a vehicle for Jewish integration in the nineteenth century.65

The desired key to the edict’s success was not only the state’s muscle, but the inner transformation of Galicia’s Jews, their Verbesserung, regeneration, and improvement in the spirit of the tutelary absolutist’s quid pro quo through education and linguistic uniformity. The 1789 edict required the Jews of Galicia, like other Habsburg subjects, to teach German in their schools, use it in their communal and economic registers, and master it in

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62 Ibid., 84.
63 The most notorious case of obligatory military conscription of the Jewish community occurred in Russian Poland, in the Pale of Settlement. There, the state’s quota for conscripts was filled by the Jewish municipal council itself, exacerbating pre-existing socio-economic divisions within and undermining the age-old cohesion of the Jewish community. See Stanislawski, Tsar Nicholas I and the Jews.
64 Published in Karniel, “Das Toleranzpatent Kaiser Joseph II.,” 84–87.
65 Myovich, “Josephism at its Boundaries,” 286 and Deák, Beyond Nationalism.
order to obtain a civil marriage certificate. To help effect his goals of making
the Jewish community useful and productive subjects who employed the
language of the state, Joseph II turned to Naftali Herz Homberg (1749–
1841), a traditionally-educated Central European Jew who embraced educa-
tional reform as the key to the Polish-Jewish community’s transformation.66

A student of Ezekiel Landau, chief rabbi of Prague, and graduate of
traditional Central European yeshivot, Homberg received his enlightened
education among the circle of early mas’ilim in Breslau, Hamburg, and
Berlin. Homberg tutored Mendelssohn’s son and contributed to his Hebrew
commentary on Deuteronomy in Netivot hashalom. In 1782, Homberg moved
to Vienna, and in 1787 he was appointed superintendent of the German-
Jewish language schools in Galicia and assistant censor of Jewish books.
Uncritical support of Habsburg cameralism distinguished Homberg’s worldview. He founded 107 schools and classes in Galicia, including the teacher’s seminary in Lemberg, which advocated a European education and con-
demned study of the Talmud. As assistant censor he drew up a list of Jewish
books that should be prohibited, most of which were kabbalistic and mystical
in nature. Homberg rejected the Herderian conception of nationalism that
valorized subjective national folkways, traditions, and language,67 including
traditional Jewish messianic aspirations for the return of the Jews to the Land
of Israel. Instead, he subscribed to the utilitarian conception of nationalism
outlined in Joseph von Sonnenfels’s Über die Liebe des Vaterlandes (1771), a
programmatic essay describing the beneficence of the tutelary absolutist
state that could stimulate the economy, help resolve the peasant problem,
and be a catalyst for universal societal good.68 The traditional Jewish prayer-
book, with its frequent petitions for the end of the exilic condition, there-
fore also earned Homberg’s opprobrium and a place on his list of censored
books.

Homberg embodied the state’s modernizing bureaucracy; he was clean-
shaven, university-educated, and critical of local privilege that was an ob-
stacle to centralization. Besides his educational role, Homberg also became
the collector of the hated candle tax initiated in 1787 that required every

66 On Homberg, see Majer Balaban, “Herz Homberg in Galizien,” Jahrbuch für jüdische
Geschichte und Literatur 19 (1916): 189–221; Ruth Kestenberg-Gladstein, Neuere Geschichte der Juden
in den böhmischen Ländern (Tübingen: Mohr, 1969); Wolfgang Häusler, Das galizische Judentum in der
Habsburgermonarchie: im Lichte der zeitgenössischen Publizistik und Reiseliteratur von 1772–1848
(Munich: R. Oldenbourg, 1979); Michael A. Meyer, Response to Modernity: A History of the Reform
67 Carlton J. H. Hayes, “Contributions of Herder to the Doctrine of Nationalism,” The
American Historical Review 32, no. 4 (July 1927): 719–36 and Isaiah Berlin, Vico and Herder:
68 On Sonnenfels, see Robert A. Kann, A Study in Austrian Intellectual History from Late
married Jewish woman to pay a fee for two candles per week, regardless of whether or not she could afford the levy. Charges of embezzlement of candle tax money forced Homberg to leave Galicia in 1802. He moved back to Vienna and became a censor of Hebrew books, although he never succeeded in gaining permanent residency there. His 1812 catechism, Benei tsiyyon (Sons of Zion), became the basis for the German exam required for a Jewish couple seeking to be married civilly, a caveat that remained on the books until 1918. Because of Homberg’s efforts, the traditional Jewish community in Galicia feared Habsburg engagement with any of their privileges (communal autonomy, exemption from military service, a separate educational system) as a pernicious threat to their way of life. The schools originally under his authority were closed in 1806 because of the Jewish community’s lack of attendance. Homberg’s defeat in Jewish Galicia adumbrated that of Max Lilienthal’s in Vilna in the 1840s, and underscored the ever-widening gulf between the values of modernizing German Jewry and their traditional brethren in Eastern and Central Europe.69 Homberg’s failure to gain the trust of the traditional Jewish community highlights the complexity of transforming a culture and society that had been thoroughly transfigured by Hasidism and rejected the activism of the centralizing state.

Joseph II’s 1789 Toleranzpatent for Galicia embodied the optimistic ideals of reforming absolutism. The edict represented an effort to emancipate the Jewish community in Galicia civilly without the Monarchy’s transformation into a modern nation-state that would necessitate the political emancipation of the Jews. Dismantling the Jewish corporation would have required a full commitment to reforming all of the Galician society, including emancipating the serfs, a radical social shift not yet on Vienna’s agenda and vigorously opposed by the still-powerful Polish szlachta.70 The kahal thus was left intact, although many of its functions were now subordinate to the state. Illustrative of the incompleteness of Habsburg state-building, which meant only a partial erosion of the social and legal boundaries between Jews and other subjects, was provision 50 in the edict that required Galician Jewry to continue paying a “protection” tax to the state, as well as a tax on kosher meat to fund its communal expenses.

69 Meyer, Response to Modernity, 152. Tsar Nicholas I brought Lilienthal to Russia to head the government’s educational reforms and was greeted with suspicion by both mitnaggelism and Hasidim. On Lilienthal, see Stanislavski, Tsar Nicholas I and the Jews, 69–96.
70 On Joseph II’s agrarian policy, see Scott, “Reform in the Habsburg Monarchy,” 177–87. The Polish szlachta would pay dearly for their political intransigence. In 1846, Galician peasants erupted in a violent jacquerie against their Polish overlords, an event that prodded Vienna to proffer them emancipation in exchange for loyalty to the Crown.
The enlightened cameralist ethos of the edict foundered after Joseph II’s death in 1790 and the radicalization of the French Revolution. His successors disavowed his reformist agenda and sought to maintain order in the province by a realignment with its conservative elements, the clergy and the nobility. Despite the state’s abandonment of its optimistic efforts to create a rational, tolerant society subservient to a reasonable Crown, the forward-looking, confident ethos of Josephinian reform continued to guide those Jews in the Austrian partition of Poland who sought to harmonize modernity and Jewish tradition. Joseph Perl was the most articulate spokesman of that effort.71

Joseph Perl and the Moderate Haskalah

Joseph Perl was born in 1773 in Tarnopol, a private city belonging to the Sobieski family that became an important trade center after the partitions, to a family of wholesale wine merchants and kosher meat leesees. Given a traditional East European Jewish education, and married at 14, Perl’s early years were characterized by study (he was supported by his father-in-law in the keshet system typical of Ashkenazic Jewry) and apprenticeship in the world of business. Following in the footsteps of both his father, Todros, and father-in-law, Isaac Leib Atlas, Perl became a successful merchant, travelling to Pest, Vienna, and cities in Prussia, where he sold wine and other agricultural products. Perl was attracted to the ideas of the Haskalah, perhaps stimulated by his encounters with maskilim like Dov Ber Ginsburg of Brody (1776–1811), who had been involved with *Hame’assef* and was a personal friend of the maskil Judah Leib ben Ze’ev.72 Ginsberg moved to Tarnopol for three years, during which time Perl expanded his traditional studies to include German, French, Latin, mathematics, history, natural science, and medieval Jewish philosophy, the curricular impetus for the turn to the Haskalah. In 1792, Perl already identified himself as a maskil when he visited the provincial rabbi, Shmuel ben Moses Pinhas Falkenfeld, at the home of Francziszek Koritowski (later the magnate owner of Tarnopol), and asked about Galician Jewry’s lack of interest in the Jewish Enlightenment.73

71 Joseph Perl’s handwritten copy of the 1789 edict, penned in maskilic German, is still extant. See the Joseph Perl Archive, JNULA, 4° 1153/101.
By 1809, Perl had begun his maskilic activities, travelling to Vienna to seek permission to found a modern Jewish school in Tarnopol. Well aware of Homberg’s failure to win the sympathy of Galicia’s Jews toward the state’s and the Haskalah’s commitment to modernity, Perl endeavored to shape his school in the spirit of the moderate Haskalah.74 These early efforts were interrupted by the outbreak of the Napoleonic Wars, when Tarnopol and its region fell under Russian sovereignty. This change in political fortunes required Perl to shift his address for petitioning state support. Tsar Alexander I had created a new Ministry of Education in 1802, sharing with other enlightened autocrats of the period an interest in education reform.75 The edicts of 1804 that grappled with the massive Jewish population in Russia resulting from the partitions included provisions regarding education, but the financing of any new Jewish schools had to come from the Jewish community itself.76 As under the Austrians, the Russian government stipulated that the Jewish community use a vernacular language for instruction; “Germanization” was halted as Polish was restored as the language of the Tarnopol region. In 1810, the Jews of Tarnopol expressed their loyalty to the Russian Tsar in the synagogue, illustrating their acknowledgment of the new Gentile authority. No fundamental administrative changes occurred to inform Jewish life in this period and the Polish nobility was empowered to retain their social and economic control.77

Under the Russians, Perl continued his efforts to found a modern Jewish school. In 1812, he made a public speech announcing that he had obtained financial backing for his school from the Koritowski family. He also penned a memorandum to the Russian authorities articulating his critique of traditional Jewish education. The memo echoed the maskilic judgment of traditional Jewish education sounded by Naftali Herz Wessely (whom Perl mentioned by name) in Divrei shalom ve’emet, which the Prussian maskil had written in support of Joseph II’s Edict of Toleration for Lower Austria. Wessely’s pamphlet established the maskilic critique of traditional Jewish education as imbalanced, educating the Jewish child solely in “divine knowledge” (torat ha’elohim), which focused on Jewish law and behavior, at the expense of “human knowledge” (torat ha’adam), which was comprised of the whole

74 Homberg had established a school in 1788 in Tarnopol, Perl’s city, but it, like his other schools, was closed in 1806.
75 By the end of Alexander I’s reign, the Empire boasted six universities, forty-eight secondary schools, and 337 improved primary schools. See Nicholas Riasanovsky, A Parting of the Ways: Government and the Educated Public in Russia, 1801–1855 (Oxford: Clarendon, 1976).
spectrum of secular studies (mathematics, geography, history, language study, rhetoric). *Divrei shalom ve’emet* urged the creation of a new cultural ideal within Ashkenazic Jewry to replace the valorization of the *talmid hakham* (the Torah Sage) with the moral man. In the pamphlet, Wessely insisted that *torat ha’adam* precede *torat ha’elohim* in the developmental education of the Jewish child; without the foundation of “human knowledge,” the teachings of “divine knowledge” would be inaccessible and incomprehensible. An education shaped solely by *torat ha’elohim*, even though Wessely insisted it was ontologically superior to the teachings of *torat ha’adam*, would render the Jewish student both useless to his people and for participation in European civil society.78 Guided by Wessely’s formula for Jewish education, Jewish youth would be fully capable of integrating into modern Europe as productive, useful members of society without abandoning Hebrew literacy, knowledge and love of the Bible, or observance of Jewish law.79 Wessely presented his program as continuous with traditional Jewish pedagogy, but its revolutionary transvaluation of the early modern Ashkenazic Jewish curriculum and its direct appeal to the Enlightenment’s valorization of autonomous ethics and morality was met with swift opposition from traditional circles.80

Perl’s memorandum described the *heder* (lit. “room,” the name for the traditional Jewish elementary school) as unnatural, morally problematic, educationally restrictive, and physically unhealthy for Jewish children.81 Echoing Wessely’s argument against Ashkenazic Jewry’s exclusive focus on *torat ha’elohim*, Perl criticized the instruction in the *heder* for its concentration on rabbinic law, commandments, and edicts, while neglecting the ethical education

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so prized by the maskilim. Its teachers, the much-scorned melammedim drawn from the poorest classes, were unprepared, immoral, and fond of corporeal punishment. Their assistants were equally dreadful. The fecklessness of the heder system led students, accustomed as they were to indolence and idle chatter, into the arms of the Hasidim. For Perl, as for many maskilim, East European Jewry’s custom of early marriage was singled out for opprobrium as leading to early sexuality and stunted intellectual growth, often to the particular detriment of the male partner in the marriage. The heder, concluded Perl, was particularly guilty of promoting this behavior and causing its deleterious results because it introduced Jewish boys to the Talmudic laws of marriage and conjugal relations while they were still developmentally immature. Perl’s acerbity toward the traditional heder notwithstanding, his 1812 memo also took pains to distinguish his educational program from that of Homberg. The memo concluded that Homberg’s schools, guided by teachers who were superficially enlightened (afteraufgeklärt), had been overzealous in their abandonment of traditional Jewish praxis and done more harm than good in the cause of modernizing Galician Jewry.

Perl sought to establish his school in the spirit of the moderate Haskalah, in which Jewish tradition provided the foundation of the curriculum. Classes held in Perl’s home began already in 1813, even before the erection of the school building. The school instructed children of both sexes between the ages of five and thirteen. First graders learned how to read German and Hebrew and understand the prayerbook. Writing in both languages, as well as the addition of Russian, mathematics, and written Yiddish, were introduced

82 Perl illustrated his debt to Wessely in a manuscript fragment for his Hebrew prose almanacs, Luah halev, that he appended to the calendars he published between 1814–1816. Perl cited Prov 22:6, “Educate a youth according to his way, thus when he ages, it will not depart from him,” the same biblical prooftext that Wessely used to urge the reform of traditional Jewish education. See Wessely, Divrei shalom ve’emet, 1. For Perl’s citation, see the Joseph Perl Archive, 4° 1153/96a. On Perl’s calendars, see Mahler, Hasidism and the Jewish Enlightenment, 149–67.

83 See Lefin’s criticism of corporeal punishment in Mendel Lefin, Sefer heshbon hanefesh (Lemberg, 1808), paragraph 18.


85 Friedman, “Joseph Perl as an Educational Activist,” 137.
These children also began formal study of the Hebrew Bible, “according to the best commentary and German translation,” a clear reference to Mendelssohn’s translation and Bi’ur. The next class added accounting, Mishnah, and Talmud, as well as “religion and ethics” drawn from these traditional sources. Fourth graders studied the principles of business and agriculture, history, natural science, geography, aesthetics, and rhetoric, subject matters taken almost directly from Wessely’s programmatic pamphlet. Perl’s curriculum also encouraged higher Jewish learning under the tutelage of talented Talmudists for those students with aptitude. Polish, French, and Italian were also suggested as options for the students. Girls studying at Perl’s school received a gendered curriculum, learning handicrafts deemed appropriate for homemaking, foreign languages suitable for interaction with Gentile society, and tekhnines, the Yiddish prayers typical of the East European female library.

The Russian governor, Ignacy Theils, granted Perl permission to build the school building and Perl himself helped to fund and oversee its construction. It was ready on Shavuot 1815, by which time, because of the new borders decided upon by the Congress of Vienna, Tarnopol was once again under Austrian rule. The Austrian governor of the province, Baron Franz von Hauer, replaced Theils, who left Tarnopol on August 22, 1815. Simultaneously, Nachman Pineles, a local printer and friend of Perl’s, and Jacob Neumann, the school’s first principal, went to Lemberg to secure a

Perl shared with Lefin the disdain for Yiddish and the belief in its efficacy for enlightening Galician Jewry. He wrote a version of his anti-Hasidic masterpiece, Megalleh temimim, a parodic sequel to the tales of the Hasidic master, Nachman of Brachaw (Bratslav), entitled "The Tale of the Lost Prince," translated Fielding’s Tom Jones, and penned a historical novel, Antigonos, situated in the Second Temple period, all in Yiddish. Perl turned to Yiddish not only to caricature Hasidism in the Jewish vernacular of Eastern Europe, but also to create an alternative library for that public who, in Perl’s words, “unfortunately, have nothing to read, particularly on the Sabbath and Holidays . . . and either violate the holy days or read irrational [Hasidic] chapbooks.” However, Perl never published any of these Yiddish materials. The citation is from Chone Shmeruk, Sifrut yidish: peraqim letoldoteihah (Tel Aviv: The Porter Institute for Poetics & Semiotics, 1978), 257 and see, too, 234–260. If students in his school were to speak and read Yiddish, which they undoubtedly were, then Perl’s curriculum endeavored to instruct them how to employ the language properly.

Vocational training was an essential component of the school to insure that graduates could be gainfully employed. Separate “rooms for industry” for both boys and girls were established. See Weinlös, Yosef Perls lebn un shaf, 19. On gendered expectations for East European Jewish girls in both Europe and the American Diaspora, see Paula E. Hyman, Gender and Assimilation in Modern Jewish History (Seattle: University of Washington Press, 1995); Shmuel Feiner, “The Modern Jewish Woman: Test Case in the Relationship between the Haskalah and Modernity,” Zion 58, no. 4 (1993): 453–99; and my “Educating for ‘Proper’ Jewish Womanhood: A Case Study in Domesticity and Vocational Training, 1897–1926,” American Jewish History (June 1988): 572–99.

Perl’s work in education was recognized a year later by Tsar Alexander I.
permanent certificate for Perl’s educational institution. Perl received permission to open a school from the Imperial-Royal School Commission in October 1815, with the provisions that it meet the province’s educational standards. Because Perl had funded the school largely out of his own pockets, he hoped that the government, with its commitment to school reform, would help alleviate some of his financial burden and the school’s debts.\(^8^9\) He was initially disappointed with the state’s response and drafted a financial plan for the school, which depended upon donating the school building and synagogue to the Tarnopol kahal, whose members in that period were sympathetic to Perl’s modernizing efforts. The kahal was to reimburse Perl over a period of three years and the remaining part of the school’s budget was to be financed by tuitions and the tax on kosher meat.

That same year, the principal, Jacob Neumann, published the school’s guiding principles, *Kurze Übersicht des in der Tarnopolmer Israelitische Freischule eingeführten Lehrplan* (*A Short Outline of the Lesson Plans adopted in the Tarnopol Israelite Free School*).\(^9^0\) The *Kurze Übersicht*’s first principle not only echoed Restoration Austria’s concern with religion as the glue of a conservative social order, but also affirmed Perl’s debt to Lefin’s conception of the moderate Haskalah: “A Jewish school cannot exist where the pillarstone is not religion.”\(^9^1\) Neumann’s pamphlet illuminates Perl’s effort to harmonize traditional Judaism with the Enlightenment’s precepts of natural religion. The *Kurze Übersicht* asserted that *torat ha’elohim* was an essential component of the school’s curriculum, but Talmud was to be taught with a modern pedagogical outlook, not only emphasizing *halakhah*, but also ethics.\(^9^2\)

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\(^8^9\) Perl’s financial independence allowed him a great degree of political and cultural license. Most *maskilim* were not part of the economic elite, but dependent upon it. As Steven Lowenstein has shown for the Berlin Haskalah, there were two groups of Jews engaged in modernization, the economic elite (silk manufacturers, financiers, bankers, and others associated with the Prussian court) and the *maskilim*, many of East European origin, who frequently worked as tutors in the homes of their wealthy patrons. See Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family, and Crisis, 1770–1830* (New York: Oxford University Press, 1994), 34–39.

\(^9^0\) The full title was *Kurze Übersicht des in der Tarnopolmer Israelitische Freischule eingeführten Lehrplans, nach dem der Unterricht, in allen Classen dieser Schule, ertheilt wird. Zur Befriedigung derjenigen, die von dieser Lehranstalt eine genauere Kenntniss zu haben wünschen* (*A Short Outline of the Lesson Plans adopted in the Tarnopol Israelite Free School that Guide the Instruction of all the Classes in the School, for Those who Wish to Have Accurate Knowledge of this School*).


\(^9^2\) The contract between the parents and the school stipulated that instruction in Mishnah, Talmud, and *midrash* would be developmentally appropriate for children “according to their understanding and in a straight-forward manner.” The same pedagogical approach would guide instruction in *halakhah* and Jewish customs. The contract is published as an appendix
combined Jewish and general subjects in a split-day schedule, and all instruction was in “purified German.” The lesson plans considered “Religion” a separate subject for which a textbook was to be written. Duty was its guiding principle: it included man’s obligation (Pflicht) to God, himself, other men, his superiors, the government, the ruler of the country, and the fatherland. Weekly hours of Bildung, the inner moral development of the pupil, were part of every class’s curricular requirements. In the spirit of educational philanthropism, Perl’s school rejected corporeal punishment and instead urged verbal warnings and didactic lectures on ethics. Positive incentives included public announcements of the best students at the mid-year examinations. The official government letter recognizing the school as an official state institution responsible for teachers’ salaries, the participation of the kahal of Tarnopol and others in the surrounding region in its financing, and Perl’s directorship in perpetuity, was sent on September 12, 1818. East Central Europe’s first modern Jewish school, initiated and financed by individual maskilim, now boasted official state sponsorship, a full thirty years before Tsar Nicholas I’s Crown Enlightenment.

In contrast, there was no Talmud instruction in the Berlin Freischule, which, founded in 1778 by David Friedländer and Isaac ben Daniel Itzig, considered introducing Jewish subject matter in only 1783. See Hame’assef (1784): 161 and Simha Assaf, Meqorot letoldot ha’inukh beyisra’el (Tel Aviv: Devir, 1954), 251.

The emergence of “Religion” as a separate subject in the German-Jewish schools of the early nineteenth century is illustrative of the confessionalization of Judaism that occurred as a byproduct of both the Enlightenment’s commitment to the moral autonomy of the individual and the separation of Church and State that followed in the wake of the French Revolution. Although Perl’s social context was far more conservative than that of his West European brethren, he was nonetheless shaped by their ideology.

A German-Hebrew bilingual diploma from the school required the following subjects for graduation: Hebrew Language; Bible with a “pure” German translation; Religion; Reading (German); Writing/Penmanship (German); Writing/Dictation (German); Language (German); Mathematics; Natural History; Earth Science; Reading (French); Writing (French); Language (French); Mishnah, with the commentary of R. Ovadiyah of Bertinoro; Talmud with Tosafot and Commentaries; Independent Understanding of the Talmud by the Student; Biblical Grammar; Hebrew Letter Writing (Dictation); Hebrew penmanship; Letter Writing with regard to communal life. See Illustration 7. The Abraham Schwadron Collection of Jewish Autographs and Portraits, Joseph Perl Collection.

The bilingual diploma of the *Israelitische Freischule* in Tarnopol
(The Abraham Schwadron Collection of Jewish Autographs and Portraits, 
the Joseph Perl papers, JNULA)
Illustration 7

The bilingual diploma of the *Israelitische Freischule* in Tarnopol
(The Abraham Schwadron Collection of Jewish Autographs and Portraits,
the Joseph Perl papers, JNULA)
As part of his efforts to ground the Haskalah within the culture of Ashkenazic Jewry, Perl stipulated that a synagogue be built next to the school for worship, to insure that “the essentials of Tradition” not be lost, and to provide income for the fledgling educational institution. The synagogue’s construction, with approximately 115 places for men and sixty-three for women, occurred simultaneously with that of the school. A library and archive were also part of the complex. An 1815 précis for the synagogue, Allgemeine Ordnung und Vorschriften für das mit der Tarnopoler Israelitischen Lehranstalt vereinigte Bethaus (General Rules and Provisions for the Synagogue attached to the Tarnopol Israelite School), now lost, detailed the behavior appropriate for prayer, giving honors in the synagogue to its leadership (rabbis, preachers, communal prayer leaders), Torah reading, the synagogue servants, and the gabbai (Haushofmeister). The synagogue’s services were to be marked by the decorousness characteristic of the earliest “reform” synagogue in Seesen.

Perl also drafted an enlightened trilingual prayerbook, Sheva tefillot (Seven Blessings), for his students. Printed in maskilic German, Hebrew, and...
Polish, illustrating the natural multilingualism of Galicia’s Jewish population, Perl intended his Sheva tefillot to be a supplement to the traditional prayer-book, a collective catechism to bolster the social environment of the school. The prayers, a kind of maskilic shirí shel yom (daily morning psalms), were to be declaimed every morning by the pupils:

Dear Children! For now, here are seven prayers for the seven days of the week, presented to you in Hebrew and German. . . . The rationale, goals, and use of prayer, all of that is well-known to you from the first paragraph in the school statutes. Since the discussion there is only about prayer in general, the [discussion] here is to call your attention to the purpose and use of these particular school prayers. Their purpose is to broaden our souls with great and comforting thoughts in order to create a good disposition toward studying so that the lessons that are presented will make the deepest and most enduring impression upon us. So mark my words well, children! The purpose of prayer in this case is above all to facilitate the process of learning. For without this strong purpose and active effort to harmonize and practice [prayer with] good teachings, prayer would be abject prattle! Thus taught the wisest King with these magnificent words (Prov 28:9): “The prayers of one who does not heed Torah will not be heard.”

[Reciting the prayers,] the students all stand. One student prays loudly and slowly, the others with a soft undertone. Every day another student prays so that all of the students steadily acquire, through the loud declamation of these prayers, internal mastery and fluency, which is pleasing to God.

Perl’s preamble to Sheva tefillot depicts the instrumentality of prayer that characterized Jewish modernizers, who desired the liturgy to be useful in instilling moral virtue, as well as his familiarity with Jewish religious innovation in the West. The school prayers were intended to ready the students
for their day of study and the booklet was imbued with all of the features of the natural religion espoused by the *maskilim*. The prayer for Sunday affirmed God as Creator and humanity’s special relationship with him through his bequest of reason and wisdom. Monday’s prayer extolled the childrens’ parents. Tuesday’s praised the political authorities, soliciting God’s favor for the ruler, “who is like a father to us.” On Wednesdays, the children were to pray on behalf of their teachers. Thursday’s text petitioned God to hear the prayers of the school as a collective “social society” that exemplified humanity’s cooperative nature. On Friday, the children beseeched God to take care of the poor and unfortunate. On the Sabbath, *Sheva tefillot* echoed Lefin’s affirmation of the natural world, particularly the perfection of the celestial realm, as proof of God’s creative power. The prayer for the seventh day also asserted the immortality of the soul and the distinction between “this world” and “the world to come,” illustrating Perl’s debt to both classical rabbinic theology and the tenets of natural religion. Engravings in the chapbook supported the text’s universalist moral tone; at the end of Jacob Tugendhold’s translation, an owl (“Wisdom”) perched on an oil lantern (“Enlightenment”) that was balanced on an olive branch (“Peace”). A cornucopia (“Nature’s bounty”) faced the text on the adjacent page.

Although *Sheva tefillot* reverberates with some of the language and many of the themes of early reform prayerbooks in Prussia, it was designed as an addition to, not a replacement for, the traditional prayerbook. Perl introduced some aesthetic reforms into his school and synagogue, such as a German sermon, and a boys’ choir, yet his school always considered Tal-mud an essential part of its curriculum. His paeans to natural religion were similar, “reasonable” supplements to traditional Jewish theology, which he never criticized and which he tried to insulate and protect from the con-tinued growth of Hasidism and the efflorescence of *minhag* in the region. A sustained critique of the Talmud within East Central European Jewry found

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105 Here Perl is seeking God’s favor for the Russian Tsar in maskilic German while in the Hebrew introduction to the Polish translation of the prayers, which Jacob Tugendhold called “the language of our motherland,” the latter explained Tuesday’s prayer as a request for the “welfare of Poland, where we dwell, and from which we derive many benefits.” Both of their petitions illustrate the multivalent identity (German-speaking, Russian subjects, and Polish loyalty) of Jews in the southeastern Polish borderlands in the era of the partitions through the Congress of Vienna. Tugendhold’s words also illustrate the abiding “Polishness” of Galicia’s Jews in the nineteenth century. See Perl, *Sheva tefillot*, unpaginated.

106 The school’s *Verhaltungsmäßregeln für die Schüler des Tarnopoler Israelitischen Freiinstituts, wie solche sich in ihrem ganzen Betragen, sowohl zu Hause als beim Gebete, wie auch in der Schule, vor, während und nach dem Unterrichte aufzuführen haben. Gezogen aus den Schulgesetzen, zur bequemen Übersicht der Schüler aller Classen*, published in 1815 by Nachman Pineles, emphasized the social component in the school’s statutes. I don’t believe the statutes are extant.

107 Perl, *Sheva tefillot*, unpaginated.
an audience only after mid-century, in the Galician maskil Joshua Heschel Schorr’s *Hehaluts (The Pioneer)*, which he published intermittently between 1851–1887.108

**The Battle against Hasidism is Pitched**

Perl remained the director of the Tarnopol Israelite Free School until his death in 1839. Throughout these years, he endeavored to solidify support for his school and program of modernizing the Jews of Galicia. He did so within a political climate that was increasingly conservative and that unwittingly bolstered the already emboldened Hasidim, whose social separatism, new patterns of leadership, and proliferation of new customs to which they were especially devoted represented for Perl, as they had for his mentor, Mendel Lefin, a betrayal of traditional Ashkenazic Jewish piety and culture. Perl’s anti-Hasidism was comprised of several components. He criticized *minhagim* that had been long observed by Polish Jewry — and were still observed by the Hasidim — as part of their cultural-religious inheritance, which, measured against the rational spirit of the age, he deemed ridiculous. He polemicized against the efflorescence of new customs specific to the Hasidic revolution. Finally, Perl cavilled against Polish-Jewry’s penchant toward supererogation, or “going beyond that which is commanded,”109 in its observance of traditional Jewish law. Perl saw Hasidism’s creation of new customs as an extension of Polish-Jewry’s historical tendency to valorize the more stringent position (*humra*) regarding a particular religious observance. All three of these components colluded, in Perl’s view, to make Galician Jewry hostile to the Haskalah’s program of cultural transformation. Hasidism’s valorization of “irrational” religious customs, its creation of many new customs, and its inclination toward stringency in its interpretation of Jewish law combined to subvert Perl’s conception of the traditional rabbinic culture of Ashkenazic Judaism. As a moderate maskil he sought to protect that culture from further decline. Perl regarded his battle against Hasidism, which he waged by writing satiric epistolary novels and voluminous memoranda to Vienna and Lemberg, as well as by spearheading the appointment of Solomon Judah Rapoport/Shir, a moderate maskil, as rabbi of Tarnopol, as a battle for the cultural soul of Ashkenazic Jewry.


Perl’s first published literary salvo against the Hasidim was *Megalleh temirin* (*Revealer of Secrets*, Vienna, 1819), a brilliant and vitriolic epistolary satire based on a Hasidic protagonist who finds and publishes 151 letters that relate to his Hasidic brethren’s search for a German book denouncing Hasidism. The novel’s scenario involves a hapless Hasid, Ovadiyah ben Pesakhiyah, whose name is a numerological word play on Joseph Perl’s name, who strives to locate and destroy a German exposé, which the characters merely call “the *bukh* (book),” of his movement and its leadership. The fictional *bukh* disparaging Hasidism was, indeed, fact, not fiction. Perl had already written an anonymous work, *Über das Wesen der Sekt Chassidim aus ihren eigenen Schriften gezogen* (Regarding the Essence of the Hasidic Sect, taken from their own Writings), in 1816 and sent it to von Hauer, the Galician governor, whose censorship officer, Count Sedlnitzky, rejected it for publication. In *Megalleh temirin*, the German book has been published, sent from Galicia to the Russian ambassador, and serves as a pretext for the government’s persecution of the Hasidim. Like *Über das Wesen der Sekt Chassidim*, *Megalleh temirin* seeks to expose Hasidic secrets, the inner practices, hermeneutics, and rites to which only its initiates were privy. *Megalleh temirin* lampoons the Hasid’s dependence upon the zaddik (rebbe in Yiddish), ridicules the new piety’s preoccupation with the “secrets (*sodes* in the Yiddish pronunciation of the period)” of their Torah, and generally depicts the Hasidim as benighted and lazy fools. Perl’s disdain for the ungrammatical Yiddish-Hebrew speech of the Hasidim, and their inattention to Hebrew grammar, shaped the vocabulary and syntax he put into the mouths of the novel’s characters, a direct expression of the Haskalah’s preoccupation with the aesthetics of language.

Perl’s literary and political anti-Hasidic strategies, including his employment of satire, use of anonymity, and appeal to the Gentile authorities to clamp down on Hasidic publication of kabbalistic and mystical books,

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110 For traditional East European Jewry, the word *bukh* in German or Yiddish connoted a secular book. The Hebrew word *sefer* (Yiddish, *seyfer*) conveyed the meaning of a traditional religious text.


113 Ovadiyah ben Pesakhiyah begged his readers in *Megalleh temirin*’s prologue to trust that “whoever reads this composition not . . . think that I made — G-d forbid! — any change of language in the letters I reproduced. . . . I have reproduced all the tales and the letters in the very same language as I have them from the correspondents.” The translation is Dov Taylor’s. See Joseph Perl, *Joseph Perl’s Revealer of Secrets: The First Hebrew Novel* (trans. Dov Taylor; Westview Press, 1997), 15.
illustrate his debt to Mendel Lefin. Lefin’s *Essai d’un plan de réforme* had urged *maskilim* to combat Hasidism on the literary battlefield, particularly through the art of satire, and he composed *Mahkimat peti*, his Hebrew anti-Hasidic satire, in epistolary form, with letters exchanged between a young Italian Jew visiting Poland and a Karaite in Constantinople. Lefin’s work, probably influenced by Montesquieu’s *Lettres persanes* (1754) and D’Argens’s *Lettres juives, chinoises et cabalistiques* (1736 and 1738), both of which were translated from French into German in the mid-eighteenth century, also included letters from the Hasidim themselves. Perl, like Lefin, published *Megalleh temirin* and its sequel, *Bohen tsaddiq* (*The Test of the Righteous*), anonymously. Perl’s anonymous submission of *Über das Wesen der Sekte Chassidim* to the Austrian authorities, and *Megalleh temirin*’s literary aspiration that the *bukh* had, in fact, influenced them to bear down on the Hasidic movement, attests to Perl’s confidence that the state’s and his political and cultural interests were harmonious. Lefin, too, we recall, had appealed directly to Prince Adam Czartoryski to stem the growth of Hasidism on the magnate’s lands and had suggested in his *Essai d’un plan de réforme* that the Polish government censor kabbalistic and Hasidic books.

While *Megalleh temirin* illuminates Perl’s debt to Lefin, the context of centralizing absolutism in which Perl wrote transformed and politicized Lefin’s ideology. Lefin’s trust in Czartoryski and Perl’s in the Austrian and Galician authorities represent a similar politics, the Jewish community’s age-old alliance with the highest political authority, but the historical context in which they were effected bespeak a world of difference. The political context

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115 The Italian Jewish community, as Lois Dubin points out, was an important model of moderate acculturation and tradition for Prussian *maskilim*. Lefin’s construction of *Mahkimat peti* (*Making Wise the Simple*) with an Italian character, and, as will be discussed below, Perl’s eye toward Italian-Jewish *halakhah*, underscores this point for East European *maskilim* as well. See Lois C. Dubin, “The Rise and Fall of the Italian Jewish Model in Germany: From Haskalah to Reform, 1780–1820,” in *Jewish History and Jewish Memory: Essays in Honor of Yosef Hayim Yerushalmi* (ed. Elisheva Carlebach, John M. Efron, and David N. Myers; Hanover, N.H.: Brandeis University Press, 1998), 271–95.


of decentralized pre-partition Poland allowed Lefin to seek Gentile support for his campaign against the Hasidim while maintaining his commitment to internal Jewish communal autonomy. Lefin, like Perl after him, had an immoderate political stance toward the Hasidism, but he was suspicious of absolutism, and strove to protect the kahal from dissolution. In contrast, Perl’s appeal to Vienna in the context of the centralizing ethos of absolutist Austria articulated his desire that Gentile authority directly intervene in Jewish communal life, even at the expense of its legendary autonomy. Hoping to persuade the Austrian authorities that Hasidism was dangerous not only for the Jewish community, but for the state’s general welfare and aims, Perl was unrelenting in his solicitation of the Habsburgs. In Über das Wesen der Sekte Chassidim, he argued that Judaism had an historical development and contemporary Hasidism represented its nadir. Rather than progressing from the period of medieval rationalism, embodied by the Sephardic codifiers Isaac Alfasi (the “Rif”), Maimonides, and Joseph Karo, who had refined earlier Judaism by ridding it of its mystical accretions, Hasidism had ossified those accretions with its attachment to the exegesis of new commandments derived through mystical interpretations and the whims of the zaddikim, who sought to control the Jewish community and make it impenetrable to the state’s political requirements. Perl’s cultural message of the Haskalah was moderate; he never advocated the abandonment of Jewish law. But his immoderate politics toward the Hasidim, which impelled him to use the tutelary state’s arrogation of authority for his own maskilic ends, radicalized his program for the transformation of Galician Jewry.

Concluding that Perl’s politics embraced the state as a positive element in the transformation of the Jewish community of Galicia still leaves open the question of what he hoped would result from its intervention. Examination

118 See Chapter Two.

119 Rubinstein, “Haskalah and Hasidism.” Perl had earlier expressed this political posture in the maskilic dream that closed his parody, “The Tale of the Lost Prince,” of the tales of Nachman of Brachaw (Bratslav). The parody was written before Megalleh temrin and only published posthumously. See Joseph Perl, Ma’ussiyot ve’iggerot mitzaddiqim amittiyim une’enshei shelomeinu (ed. Chone Shmeruk and Shmuel Weres; Jerusalem: Publications of the Israel Academy of Sciences and Humanities, 1969), 38–41.

120 Rubinstein describes how denouncing a member of the Jewish community to the Gentile authorities, known as malshinut (slander) in the world of traditional Jewry, was a natural extension of the etatism of the maskilim under absolutism. He also points out that at the height of the Jewish culture wars at the end of the eighteenth and beginning of the nineteenth century, other subcultures within Ashkenazic Jewry (e.g. mitnaggedim v. Hasidim, Hasidim v. Hasidim) also willingly resorted to slander. Rubinstein, “Haskalah and Hasidism,” 172.

of Perl’s many memoranda to the Austrian and Galician authorities illustrates that he hoped that an alliance with the state would thwart the spread of Hasidism, reign in the influence of customary law, and allow a reasonable, moderate rabbinic Judaism to reestablish itself within Galician Jewry, unmaking its increasingly “baroque” culture and paving the way toward Polish-Galician Jewry’s smooth transition to full participation in modern European society.

Haminhag kehalakhah hu (“Custom is as Binding as Law”)

Minhag (customary law) was always a central component of Jewish law, representing the non-elitist anonymous practice of the Jewish community over time. Rabbinic leaders themselves debated and appealed to customary law, whose authority was based on the statement, “Go and see how the people behave,” which appears in both Talmuds (b. Berakhot 45a and y. Pesakhim 54a); they also monitored the development of customary law in order to ensure that it was not erroneous, too burdensome, or illogical, and that it was in accordance with the inherited principles of rabbinic authority. Customary law was particularly effective in the area of monetary law, in which it had the rabbinically-sanctioned authority to annul certain halakhot based on the principle minhag mevattel halakhah (custom overrides halakhah). Galician Jewry, the heirs to the Polish-Jewish rabbinic tradition, had always valorized minhag as an independent source of religious authority. Scholars such as Haym Soloveitchik, Elimelech Westreich, Avraham Grossman, Israel Ta-Shma, and others have detailed the power of customary law and its pietist penchant in medieval Ashkenazic Jewish culture. Ta-Shma argues that ancestral custom was the decisive component in determining behavior for Ashkenazic Jews already by the eleventh century, its influence subsiding somewhat in the subsequent two centuries, but experiencing a renewal by

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122 Menachem Elon argued that minhag’s authority to annul written law did not extend to other areas of religious practice. See Menachem Elon, Hamishpat ha’ivri: toldotav, meqorotav, egronotav (Jerusalem: Magnes Press, 1973), 2:713–77. Ruth Langer, however, concluded that in cases of tension between top-down juridical halakhah and practiced customary law in the use of liturgical poetry (piyyut) and its incorporation into “normative” liturgy, custom often won out. See Ruth Langer, To Worship God Properly: Tensions Between Liturgical Custom and Halakhah in Judaism (Cincinnati, Ohio: Hebrew Union College Press, 1998), 253.

the fourteenth. In the sixteenth century, when the Cracow-born Ashkenazic poseq (decisor) Moses Isserles glossed his Sephardic confrere Joseph Karo’s decisions in the Shulhan arukh, the great post-Talmudic compendium of Jewish law, he underscored the centrality of minhag for Ashkenazic Jewry. Referring to minhag Ashkenaz on the title page of the code’s first edition, all of Isserles’s comments reflect the singularity of Ashkenazic practice due to its adherence to customary law. Isserles was overwhelmingly loyal to custom as it had developed in Poland and often cited b. Berakhot 45a as a prooftext for his halakhic decisions.

The centrality of minhag to Ashkenazic Jewish culture can also be heard in the critique of Hasidism voiced by the Lithuanian rabbinic elite, the mitnagdemedim, in the late eighteenth century. The mitnagdemedim were concerned that Hasidic religious practice, with its numerous new rituals and customs, undermined both normative Jewish religious practice (halakhah) and specific Ashkenazic religious behavior that had been shaped by custom. The bans and writs promulgated against the Hasidim in the late eighteenth century reverberated with both concerns. The writ of excommunication against the Hasidim that the kahal of Brody issued in 1772 criticized their transgression of the halakhic requirements for the time and length of daily prayers. It also warned the larger Jewish community of the new Hasidic customs of using the Sephardic prayerbook, donning the white kittel (robe) on the Sabbath in addition to its customary use on the Day of Atonement, and changing the accepted standards for kosher slaughtering (shehitah). Abraham Katzenellenbogen, the head of the rabbinical court of Brzes Litewski (Brisk, Lithuania), charged in a 1784 letter to the Hasidic figure, Levi Isaac of Berdyczów, that the Hasidim do not follow “God’s chosen leadership, the powerful founders of the tradition, the famous ge’onim, the rabbinic princes,” [who established] “good laws and upright customs.” The kahal of Cracow in 1786

125 Moses A. Shulvass, Jewish Culture in Eastern Europe: The Classical Period (New York: KTAV, 1975), 58. See Isserles’s introduction to the Laws of the Sin Offering (Torat haatat), where he warned his Ashkenazic readers that should they follow Joseph Karo’s decisions regarding the dietary laws they would “contradict all of the customs that are upheld in these lands.” Joseph Davis observed that Isserles introduced his glosses to the Shulhan arukh by disassociating himself from Karo’s minhagim: “Without [the mappa], the table which he [Karo] laid before the Lord is not yet ready for the men of these lands, for in the majority of customs (minhagim) of these lands, we do not follow his opinions.” Cited in Joseph Davis, “The Reception of the Shulhan ‘Arukh and the Formation of Ashkenazic Jewish Identity,” AJS Review 26, no. 2 (November 2002): 263. See, too, note 50 on that same page. Davis notes, however, that Isserles was not specific about which lands actually comprised medinut eilu (“these lands”).
126 The text of the Brody herem is published in Wilensky, Hasidim umitnaggedim, 1:44–49.
127 Ibid., 1:123. Emphasis is mine.
accused the Hasidim of attempting to change “the standard liturgy (nusah) of prayer that was established in Ashkenaz by R. Moses Isserles,” and warned, “Who knows where these things [Hasidic customs] will lead?”128 Customs that were supererogatory also became the targets of rabbinic censure. Solomon Kluger (1785–1869), the head of the rabbinical court in Brody, Austrian Galicia, from the 1820s on, wrote a responsum in 1849 to Isaac Eisek Seferin, a Hasidic zaddik from Komarno in which he argued that individuals who wished to wear an additional set of phylacteries for morning prayers — a Hasidic custom that had spread in Galicia — were permitted to do so. Yet, he concluded, their voluntary supererogation was not to be seen as binding on the Jewish public as a whole for there was a difference between “customs that have been observed from the time of the Sages of the Talmud and more recent customs.” The latter were not obligatory for the majority of the people.129 The traditional rabbinate, whether they were avowed mitnaggedim in Lithuania or heads of rabbinical courts in Galicia, feared above all that Hasidism’s triumph would mean the loss of their authoritative power both to adjudicate the inherited corpus of Jewish law and to channel customary practice into normative halakhic praxis.

Yet Hasidism’s victory was full of paradoxes. In contrast to the fears of the mitnaggedim that Hasidism’s innovations would lead inexorably to heresy, mass disillusionment, and a sectarian splintering of the Jewish community, the eighteenth-century spiritual revolution became a further impetus to the cultural retrenchment of Ashkenazic Jewry. The numerous writs of excommunication against the Hasidim proved powerless. Hasidism had already conquered most of East European Jewry by the time its move north to Lithuania aroused the ire of Vilna’s rabbinate. Thus, while Hasidism’s triumphant penetration into Polish Jewish life by 1772 initiated a cultural war among mitnaggedim, Hasidim, and maskilim over the place of minhag and religious authority in Jewish religious life, it ultimately served to make Polish Jewry even more attached to religious custom, both inherited practices and Hasidic innovations.130 Moreover, the Hasidic spiritual landscape gave rise to

128 Ibid., 1:138.
130 Traditionalists threatened by innovations in Jewish law initiated by West European Jews appealed directly to age-old Ashkenazic custom in their efforts to stay change, just as had the mitnaggedim in their struggle with the Hasidim. Eke diveni haberit, the pamphlet produced by traditionalist critics of the Hamburg Temple, exhorted the reformers not to disregard the minhag of Ashkenazic worship and employed the Talmudic memra in order to censure the reformers. Rebbe Hayim Halberstam of Sαdz (1793–1876), reacting to the construction of a
the efflorescence of numerous new customs associated with various zaddikim, which soon became as binding as religious practices derived from inherited legislation. As Jacob Katz concluded, Hasidism ultimately made the majority of Galicia’s Jews impervious to the rational influences of the Enlightenment. It also made them implacably hostile to the cameralist ambitions of the absolutist state.

By the early nineteenth century, modernizing Jews like Joseph Perl interested in transforming the culture of Galician Jewry thus confronted a Jewish population even more resolute in its commitment to Jewish law and minhag according to Ashkenaz. His critique of minhag was both distinct and directly related to his polemic against Hasidism, which he blamed as a contemporary font of new, illegitimate customs. Were Galician Jewry able to wean itself from those elements of customary law that had no basis in halakhah, and that served to isolate the Jews by steeping them in irrationality, it would be open to those aspects of torat ha’adam Perl and other maskilim believed were the sine qua non of a productive, useful, and modern Jewish life.

The apparently limitless explosion of Hasidic custom that deviated from traditional Jewish law as it had been practiced in Poland alarmed other members of Perl’s circle, most notably Isaac Michael Monies (d. 1844),131 the first Talmud teacher in Perl’s school, who wrote a maskilic responsum in 1825 criticizing the contemporary Hasidic custom of lighting candles on Lag Ba’omer in memory of Shimon bar Yochai, and Judah Leib Mieses (d. 1831), who devoted his Qinat ha’emet (Truth’s Zeal, Vienna, 1828) entirely to the issue of customary law.132 Monies admitted the binding nature of customary

synagogue that had a place for a cantor and choir, warned: “God forbid if we change something from the custom of our ancestors, [we will] destroy, God forbid, the entire religion, ‘go and see’ what the new sect that despises the words of the Sages has done. [They] are so far removed from the people of Israel and deliberately transgress several commandments.” Emphasis is mine. Cited in Shmuel Shilo, “The War against Reform in the Responsa of Polish and Russian Sages in the Nineteenth Century,” Dinei yisra’el 20–21 (2000): 419–33.


132 Judah Leib Mieses, Sefer qinat ha’emet (Vienna: Anton von Schmid, 1828) and Feiner, Haskalah u’shistoryah, 137–44. Perl asked Mieses, who travelled frequently to Vienna and Prague, and was in contact with maskilic circles there, to guard the fact that he had shared Über das Wesen with Peter Beer (1758–1838), a Bohemian maskil, and with Isaac Marcus Jost
after partition

law in Judaism, but distinguished between those customs erected as a fence around the commandments, and those that had evolved through history and had "occurred unintentionally, through circumstance or chance, and continued [to be upheld] without reason until the masses came to consider them as binding as a commandment." These customs were periodically reviewed by the sages of a given generation, who had the power to annul them, particularly if they derived from a Gentile or idolatrous source. In Monies's view, this was the case with the practice of lighting candles on Lag Ba'omer, which had no precedent in traditional Jewish culture. He averred, "There is absolutely no mention of the village of Meron in Scripture. . . . The villagers of Meron received it [the custom] from the Arabs, [who] are accustomed to seeing great sanctity in the graves of the holy Tannaites and to kindling lights on the graves of holy men." For Monies, the new Hasidic custom was a foreign accretion that dishonored the earlier prophets, particularly Moses — at whose (unknown) grave no candles are lit — and damaged traditional Judaism. Monies's responsum also claimed that Israel's great sages did not valorize stringency (ḥumra), even though it was a necessary counterweight to the category of leniency (qula) in the rabbinic legal ethos. Citing Maimonides's Eight Chapters, which, as we have seen, became a maskilic prooftext adduced to counter Hasidism, Monies asserted


133 Monies, "Responsum on the Custom of Lighting Candles on Lag Ba’omer," 10.

134 In the introduction to his translation of the Guide of the Perplexed, Mendel Lefin also pointed to this custom as evidence of the accretion of commandments by the Hasidim: "Behold, [I know the case of] an upstanding (kasher) man who argued against the innovation of lighting candles on the Lag Ba’omer festival at Mt. Meron. A certain Hasidic apostate jumped out at him and angrily screamed, 'Oy, cursed is the apostasy [of not lighting the candles], [it is] fit for Amraphel’s oven [referring to a midrashic reading that drew an analogy between Amraphel and Nimrod, who pushed Abram into an oven]." Mendel Lefin, "Elon moreh," Hamelits (1867): 6. On the name Amraphel, see Gen 14:1 and Rashi’s comment on the verse.

that moderation between two extremes was fundamental to rabbinic teaching, and decried the extremism inherent in the Hasidic proliferation of customs. All those concerned with the distortion of Judaism and protection of its reasonableness should labor to uproot the custom of kindling candles in memory of Shimon bar Yochai.\textsuperscript{136}

Mieses’s \textit{Qinat ha’emet} was a far more expansive treatment of customary law than was Monies’s, but his goal was the same: to combat the multiplication of Hasidic customs that he believed were foreign to normative Ashkenazic rabbinic Judaism. In \textit{Qinat ha’emet}, Mieses used the well-worn literary form of the dialogue in the afterlife, in which the protagonists sit in Heaven, judging their brethren below. In Mieses’s work, Maimonides and Solomon of Chehm, author of \textit{Sefer mirkevet mishneh} (Frankfurt-on-the-Main, 1751) and a vocal early critic of Hasidism, use historical thinking to explain the contemporary crisis among Polish Jewry, and squarely place the blame for its ignorance on the Besht, who in their opinion was the most recent link in the insidious chain of foreign mystical influences that began with the \textit{Zohar}.\textsuperscript{137} It was the task of the progressive elite, the \textit{maskilim}, to combat these foreign accretions, unmask the exploitative Hasidic leadership that preyed on the people through their manipulation of these foreign customs, and restore Judaism to its pre-mystical glory. Mieses demonized the Hasidim, but, like Perl, never attacked the centrality of the Talmud or rabbinic law.\textsuperscript{138}

Perl began his political activism against \textit{minhag} in general and Hasidic \textit{minhag} in particular in 1829 with a series of letters against the proliferation of collection boxes in the name of Meir Ba’al ha-Nes, a second-century \textit{tanna} who was believed to be buried on the shores of the Sea of Galilee.\textsuperscript{139} East European Jews had long given charity in memory of Meir Ba’al ha-Nes much as they had commissioned and worn amulets to ward off physical danger, to

\textsuperscript{136} Monies, “Responsum on the Custom of Lighting Candles on Lag Ba’omer,” 14–21.

\textsuperscript{137} Mieses’s Maimonides is not only a thorough-going rationalist, but a Copernican, as well, and in the course of the satire informs Solomon of Chehm of his support of the Polish scientist’s heliocentric theories. See Yehuda Friedlander, “Hasidism as the Image of Demonism: The Satiric Writings of Judah Leib Mieses,” in \textit{From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding}, Essays in Honor of Marvin Fox (ed. Jacob Neusner, Ernst S. Frerichs, and Nahum M. Sarna; Atlanta, Ga.: Scholars’ Press, 1989), 165.


\textsuperscript{139} In his earlier \textit{Ishot}, Perl criticized the contemporary custom of spitting during the Aleinu at the mention of non-Jewish worship, and cited Isaiah Horowitz’s comment in his \textit{Shenei ishot haberit} that the custom was outdated. See Mahler, \textit{Hasidism and the Jewish Enlightenment}, 150.
induce the return of some lost beloved item, and to show their bond with the Land of Israel. Perl undoubtedly knew of this well-established folk tradition of Polish Jewry, but his zeal in uprooting Hasidism led him to conclude that the increase in the number of collection boxes had been encouraged by Hasidic zaddikim. Perl’s epistolary pamphlet, *Ketit lama’or* (*Beaten Oil for the Eternal Light*), argued against the collection boxes, concluding that the custom of raising money for Meir Ba’al ha-Nes derived from a censored Hasidic work, *Keter shem tav* (*Crown of the Good [God’s] Name*, Zolkiew, 1795). The Austrian authorities accepted the argument in Perl’s cover letter to the epistles and granted him permission to publish the work. When *Ketit lama’or* finally appeared in 1836 in the Viennese maskilic Hebrew journal, *Kerem hemed*, the collection boxes had already been removed. Perl evidently concluded that the Austrian government supported his campaign against superstitious *minhag* because he continued to petition the non-Jewish authorities.140

Perl’s offensive against the general role of customary law in Jewish life, which he believed had become particularly ossified among Ashkenazic Jews, found its fullest expression in an unpublished manuscript, *Über die Modifikation der mosaischen Gesetze* (*Regarding the Modification of Mosaic Laws*), which he wrote some time before 1831.141 Addressed to the Galician authorities (*Kreisamt*), Perl argued that Jewish law had developed historically and had always reflected the *Zeitgeist* of its historical context: “Jewish laws — particularly the ceremonial — always underwent modification. . . . The teachers in the past always made a consistent effort to improve the laws in the spirit of the times.”142 For Perl, the contemporary, debased state of Polish Jewry, made

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141 The Joseph Perl Archive, 4° 1153/144, henceforth *Über die Modifikation*. The manuscript is written in Perl’s German script, with occasional use of Hebrew citations. It is comprised of eighty-three pages with an introduction and is listed in Philip Koffler’s appendix to the Perl archive, which he compiled during the interwar years. Avraham Rubinstein briefly noted the existence of the manuscript in his edition of [Perl], *Über das Wesen der Sekte Chassidim*, 4, footnote 17, but no other scholarly mention, let alone analysis, of the manuscript exists. The Austrian censor rejected the manuscript for publication on February 17, 1831. See number six in the Koffler appendix. See, too, “Comments or corrections to the book dealing with Jewish Law,” the Joseph Perl Archive, JNULA, 4° 1153/131, and manuscript 38.7075, JNULA.

As he had done with *Über das Wesen*, Perl sought the aid of his former student, Bezalel Stern, then the head of the new Jewish school in Odessa, in the preparation of the manuscript. On Stern’s editorial help to Perl, see [Perl], *Über das Wesen der Sekte Chassidim*, 6 and Friedman, “The First Battles.”

142 Perl, *Über die Modifikation*, 82. In one of his seminal early essays on the Haskalah, Immanuel Etkes argued that the *moshi’im* exhibited a sharpened consciousness about the historical development of *halakhah* and *minhag*, often criticizing the latter as “additions” to
even more obscurantist by the efflorescence of Hasidism, no longer reflected, and was an obstacle to, “the spirit of the times.” Perl’s treatise, imbued with the optimistic cameralist ethos of a Josephian Austria long past, sought to convince the Galician authorities that only customary law, and not essential religious law, was the source of Galician Jewry’s opposition to the cameralist program of the state. Perl’s strategy in *Über die Modifikation*, in contrast to his many other memos, was not to attack the Hasidim directly, although they were the most obvious opponents of modernity in Galicia.

Rather, he strove to expose the general tendency within Ashkenazic jurisprudence of viewing customary law as tantamount to *halakhah*. For Perl, one of the outstanding contemporary obstacles within Galician Jewish society to his program of modernization was the complicity of the Ashkenazic rabbinate and its public in elevating *minhag* over *halakhah*. He thus surveyed and analyzed the pietist penchant indigenous to medieval Ashkenazic Jewish culture well before the birth of Hasidism in the eighteenth century, as well as scrutinized the history of the Ashkenazic rabbinate. Perl believed that if he could successfully prove that Jews had adapted and modified their religious behavior based on time and circumstances (*Zeit und Umstände*) and that much of what was currently practiced was due to customary and not revealed law, then contemporary Galician Jews, without impugning their commitment to rabbinic authority and to rabbinic law, could modify certain contemporary practices.

In her study of the tension between Jewish practice derived from legislation and that derived from custom, Ruth Langer concluded, “Under certain circumstances, rabbinic authorities — utterly convinced that it was absolutely wrong and even dangerous for the community to continue in its errant ways — attempted and succeeded in overthrowing *minhag*.” However, she also notes that the balance between liturgical *halakhah* and *minhag* was never fixed historically; in certain time periods and under certain circumstances, custom had more weight than decreed *halakhah* and vice-versa. Migrations and other geographic ruptures, as well as the growth of philosophy and mysticism, played a central role in the dynamics of liturgical development. Langer, *To Worship God Properly*, 247 and 251.
Perl presented four cases to the Austrian authorities to prove his belief in the flexibility and historically-conditioned nature of Jewish law and custom: the permissibility of shaving, the halakhic requirement that a converted male Jew give his estranged Jewish wife a Jewish writ of divorce (a *get*), the question of the legality of moneylending by Jews to both Jews and Christians, and the obligation to release debts in the Sabbatical Year. Perl treated each issue to a brief historical survey and endeavored to show that Jewish law had never ceased to develop according to the “spirit of the times.”

As we saw earlier, Lefin’s defense of the Jewish beard at the Four-Year *Sejm* and Tobias Gutmann Feder’s employment of male facial hair as a metonym for the alleged lack of refinement or anti-aestheticism of early modern Polish Jewry illustrated that the issue of how male East European Jews looked remained a preoccupation for modernizing Jews well into the nineteenth century.145 Wearing a trimmed beard himself, Perl chose to address the permissibility of shaving as the first issue in his treatise on the impediments to the integration of Ashkenazic Jews into Habsburg society.146 Through a discussion of the statements in the Bible, Mishnah, and the Babylonian Talmud, and by means of such legal luminaries as Maimonides, Abraham ibn Ezra, Joseph Karo, and various kabbalistic thinkers, Perl strove to demonstrate that the halakhic prohibition on shaving was always defined by historical context. In the ancient Near East, the practice of idolatrous priests to round the beards of their dead during cultic worship led to the original prohibition in the Bible, Perl reasoned, following Ibn Ezra and Maimonides.147 Medieval Kabbalists, however, depending on the customs of the nations among whom they lived, adopted different practices. Isaac Luria, the sixteenth-century Kabbalist living in “Eastern lands, where the beard is regarded as sacred, attributed a mystical sanctity to every beard hair, [and] stated that the plucking of even one beard hair was an enormous transgression deserving of cruel punishment.”148 In contrast, Menachem Asaria, a seventeenth-century Italian Kabbalist, made a practice of trimming his beard


146 Perl, however, continued to wear sidecurls. See the image reproduced in Perl, *Joseph Perl’s Revealer of Secrets*, xvii.


CHAPTER FIVE

every Friday "to honor the Sabbath, and his students followed his example." Perl concluded, "Each of these Kabbalists wrote [his opinion] according to the customs of his country." \(^{149}\)

Although Perl presented his comparison of Luria’s and Asaria’s practices without judgment, his preference for Italian tonsorial fashion could not have been clearer. \(^{150}\) Perl, like other maskilim, valorized Italian Jewry as exemplifying the Haskalah’s aspirations toward creating a Jewish culture that balanced the demands of Jewish tradition with the claims of modernity; in an 1839 letter to Shmuel Goldenberg, the editor of Kerem hemed, Perl decried Polish Jewry’s fear of "wisdom," in contrast to contemporary Italian-Jewry, which produced the legal encyclopedia, Pahad yitshaq (published between 1750 and 1840), and other more scientific halakhic responsa, such as the Shemesh tsedaqah (Venice, 1743). \(^{151}\) The Italian-Jewish symbiosis between devotion to Jewish law and integration into non-Jewish society became even more appealing and politically useful for a maskil like Perl because the partitions of

\(^{149}\) Ibid., 67.

\(^{150}\) Ironically, Perl included a vignette from a report by Joseph August Schultes (1773–1831), professor of botany at Cracow University, about his journey through Galicia, in his 1814 calendar, which praised the beards of Galician Jewish men: "The Jewish inhabitants of Galicia are practically the only ones who are engaged with commerce and industry in the whole region and who think about the needs and good of society. They alone sew the clothes that we wear and make the shoes that cover our feet. They make products of glass, gold, silver, bronze, and every kind of metal, and they also know how to engrave magnificently and to crush stones. If they lease the fields and meadows from the nobility, then they develop and work the land wisely and industriously. God is blessed through the work of their hands because he gave them the earth and its bounty [Ps 24:1]. You will find inns, places to sleep, to eat, and to restore yourselves, in the homes of the Jews. The Jews' physical appearance is pleasing to the eye and mind. Their foreheads are high and broad, their eyes bright like lanterns; most of them have long and crooked noses, and their hair is golden yellow. All of this is pleasant enough, but it is the majesty of their beards that gives them the appearance of wise and brilliant men." Joseph Perl, Luah halevo (Tarnopol, 1814), section 1, unpaginated. Emphasis is mine. On Schultes, see Mahler, Hasidism and the Jewish Enlightenment, 154. For a classic positive image of the Jewish beard from a Polish source, see Adam Mickiewicz’s Pan Tadeusz, an excerpt of which is translated in Harold Segal, Stranger in Our Midst: Images of the Jew in Polish Literature (Ithaca, N.Y.: Cornell University Press, 1986), 71–75.

\(^{151}\) Perl, writing under his pseudonym, Ovadiyah, in Kerem hemed, 3 (1838): 53–61. Isaac Hezekiah ben Samuel Lampronti (1679–1756), a rabbi, physician, and educator, authored the comprehensive Pahad yitshaq encompassing halakhic materials from the Mishnah, the Talmuds, the decisors, the Tosafists, and later responsa. His own rabbinic responsa were collected by his contemporary, Samson Morpurgo, in Shemesh tsedaqah.

Poland brought Galicia and northern Italy under the same Imperial rule. Indeed, eager to convince the state that fulfillment of its cameralist aims posed no fundamental threat to Jewish law, Perl proffered Italian Jewry as a living proof text of the possibility of transforming Galicia’s Jews.152

Perl’s position on the beard, however, was informed less by the state’s dress requirements for its subjects than by his own Weltanschauung. Restoration Austria made no sartorial demands on Galicia’s Jews, and Joseph II’s position on toleration had earlier meant the rescinding of the requirement that all married and widowed Jewish men wear beards.153 The desire for the Hasidim and other traditional Jews to trim their beards came solely from Perl. He considered his worldview consistent with traditional Ashkenazic Jewish culture and labored to show in Über die Modifikation that any modifications in Jewish law that he suggested were grounded in the halakhic process and consonant with traditional rabbinic authority. His treatise, he claimed, strove to familiarize his Gentile readership with the “spirit of the Talmudists in relation to the exegesis of law” and to address two questions:

152 Perl closed his treatise by adducing the historicism in Leone Modena’s Beit yehudah: “I end this work with the wish of R. Judah of Modena, [the] author of comments to the Ein ya’aqov and of the commentary, [called] Haboneh, [who is] known to the Jewish nation, ‘We learn from this to evaluate all Rabbinc edicts regarding virtues, trade, or habit according to the peoples [to] and places [in which they were given].’ We find this [consideration for context] in several places in the Talmud.” Perl, Über die Modifikation, 83. I have used the English translation of Modena’s comment in Bezalel Safran, “Leone da Modena’s Historical Thinking,” in Jewish Thought in the Seventeenth Century (ed. Isadore Twersky and Bernard Septimus; Cambridge, Mass.: Harvard University Press, 1987), 381–98. The early reformer, Eliezer Lieberman, also cited Modena’s Haboneh in his Nogah hatsedeq, which he adduced in his defense of using an organ during prayers. See Dubin, “The Rise and Fall of the Italian Jewish Model in Germany,” 281. 153 Scott, “Reform in the Habsburg Monarchy,” 169. Maria Theresa upheld medieval tonsoorial requirements for married and widowed male Jews as a means of discouraging the public appearances of affluent Viennese Jews who had begun to attend theaters, dance halls, restaurants, and other public places under her reign. See Myovich, “Josephism at its Boundaries,” 222. Habsburg tolerance of traditional Jewish dress contrasts starkly with the position of the Jacobins during the French Revolution and of the 1844 Russian law. On the French case, see Zosa Szajkowski, Jews and the French Revolutions of 1789, 1830 and 1848 (New York: KTAV, 1970), 785–807; on the Vilna-based maskil Rashi Fuenn’s favorable response to the 1844 Russian edict prohibiting traditional Jewish dress, which he did not see as threatening the core of Judaism, as many of his brethren did, see his letter of May 18, 1845 published in Shmuel Feiner, Mehaskalah lohement lehaskalah meshhammeret: nishbar mikhtevei Rashi Fin (Jerusalem: Dinur Center, 1993), 189–92. After 1848, the Habsburgs would however make sartorial demands on the Jews in order to encourage integration. Traditional Jews of all ideological stripes reacted negatively to these edicts. See Jacob Katz, A House Divided: Orthodoxy and Schism in Central European Jewry in the Nineteenth Century (trans. Ziporah Brody; Hanover, N.H.: University Press of New England, 1998) and Gertner, “The Rabbinate and Hasidism in Nineteenth-Century Galicia,” 65–68.
"1. Did the Jews, or actually their teachers, allow themselves to make changes in Mosaic law, and, [if so,] on what grounds? If this question should be answered in the affirmative, then one must ask 2. Whether or not the changes in the law [that occurred] were grounded in its very own spirit, or not?" He concluded that a "quick look at Mosaic Law and at the behavior of contemporary Jews" showed that the "foundation" of Jewish law had "another form." Analysis of the Talmud illustrated that "Jewish law generally — except for several key elements — was constantly subject to change. At first, many a law was altered a little bit; later, completely."\(^{154}\)

As he had done with the beard, Perl sketched the history of Jewish divorce law for the Galician authorities to demonstrate its evolution over time. Yet, in contrast to the question of male facial hair, Perl’s desire to make Jewish divorce law compatible with the state had a basis in new Habsburg legislation. Consonant with Josephinian cameralism, the state desired to create a civil sphere to control marriage, which it endeavored to effect with the promulgation of a new *Ehepatent* (Marriage Edict) on January 16, 1783. The marriage edict, however, produced a law that blurred the authority for the performance and dissolution of marriage. Marriages were to be contracted according to civil procedure, but the state maintained the clergy’s role as religious functionaries and recordkeepers.\(^{155}\) The 1785 provisional edict for Galicia, in the spirit of equalizing Jewish status under the law and encouraging productivization of the Jewish economy, eliminated the marriage tax for Jews living on the land and made marriage contracts and divorce proceedings subject to the civil courts.\(^{156}\) When the *Toleranzpatent* for Galicia was issued in 1789, all marriage taxes were abolished, although the requirement that married couples pass a German exam remained on the books.\(^{157}\) Later Habsburg legislation reflected the same kind of ambiguity toward the absolute separation of Church and State in matters of marriage and divorce.

\(^{154}\) Perl, *Über die Modifikation*, 5–6.


\(^{156}\) Myovich, "Josephism at its Boundaries," 262–69.

\(^{157}\) The response of the Jewish community of Galicia spoke volumes about its assessment of the value of civil and religious spheres; nine years after the promulgation of the first Habsburg law on marriage, the Jews of Galicia avoided civil marriages, married religiously, and gave their children their mothers’ surnames. Avoidance of civil marriage remained the norm for Galician Jewry until 1848. See A. Y. Brawer, *Galitsyah veyehudeshah: mehgarim betoldot Galitsyah bame’ah hashemoneh-eesreh* (Jerusalem: Bialik Institute, 1965), 149, 202, and 280.
The Allgemeines Bürgerliche Gesetzbuch of 1811 (ABGB) affirmed denominational difference and empowered the clergy to uphold the practices of their respective faiths with regard to marriage and divorce. Catholics, following the Church’s doctrine of the indissolubility of the marital sacrament, could not divorce, but Protestants and Jews could, according to their religious law. While Jews could sunder their marital ties under the Habsburg code, they could do so only according to the stipulations of traditional Jewish law, which required that the husband give his estranged Jewish wife a written bill of divorce to enable her to remarry. According to Jewish law, this requirement applied, as well, to a male convert from Judaism to Christianity.

Perl’s treatise directly addressed the singular problematic within Jewish law in which a woman seeking to remarry must still obtain a writ of divorce from her converted husband, illustrating his concern with both the autonomy of the individual and the plight of the agunah (grass widow). He surveyed the history of divorce, beginning with biblical times, and compared it to the ritual of halitsah, the ceremony releasing a man from the obligation of marrying his deceased brother’s widow. Perl concluded that the goals of both ceremonies in the biblical period were to enable a woman to remarry, but that the public performance of halitsah distinguished it from the private ritual of divorce, in which a man simply wrote a bill of divorce and handed it to his wife. He sought to convince the Galician authorities that contemporary converts need not be required to fulfill the demands of a rabbinic court in order to dissolve their marriages with their Jewish wives. Divorce, Perl argued, had been private in biblical times, only becoming public and subject to the supervision of a rabbinical court that demanded the fulfillment of a myriad legal requirements because the rabbinate, informed by “time and circumstances (Zeit und Ümstande),” sought to protect women from irresponsible husbands who might divorce them at will.

158 The ABGB permitted Protestants to divorce, but forbade Catholic converts to Protestantism from divorcing or remarrying. In the course of the nineteenth century, the Catholic view of divorce steadily informed all divorce law affecting Christians, becoming the definitive influence on the civil code by 1855. Absolute civil marriage and intermarriage only became law in 1938. See Hermat, “Divorce and Remarriage in Austria-Hungary.”

159 See Rashi’s famous responsum regarding the marital status of women whose husbands had been forcibly converted during the Crusades, cited in The Jew in the Medieval World: A Source Book, 315–1791 (ed. Jacob Rader Marcus; Cincinnati, Ohio: Hebrew Union College Press, 1938), 301–02, and the discussion in Jacob Katz, “Although He Has Sinned, He Remains a Jew,” Tarbiz 27 (1958): 203–17. For the tensions between converts and the Jewish community in Germany over marital issues in the early modern period, see Elisheva Carlebach, Divided Souls: Converts from Judaism in Germany, 1500–1750 (New Haven, Conn.: Yale University Press, 2001), 25, 138–39.

160 Perl, Über die Modifikation, 10.

161 See his discussion in ibid., 7–28.
The role of historical context and *Zeitgeist* in shaping Jewish law became even more apparent to Perl when he compared the ways in which Jewish legal codifiers living in different cultural spheres addressed the status of women and the legal requirements for divorce. Contrasting Joseph Karo’s decisions in both his *Beit yosef* and *Shulhan arukh* with Moses Isserles’s glosses to the latter, Perl concluded that Ashkenazic custom had developed historically to be more stringent than had Sephardic custom. Karo, living in a polygamous society in which divorce was less of a taboo for a woman, wavered as to whether or not a man should be permitted or allowed to write the *get* by himself, as the Torah explicitly states, “He [the husband] writes her a bill of divorce (Deut 24:103).” Yet, Isserles, living in Ashkenaz, where monogamy had been normative Jewish marital practice since the twelfth century, included this stringency in his comments to the *Shulhan arukh*.162 In Perl’s view, Isserles’s legal culture erred in its excessive pietism and the creation of innumerable rituals that were not part of the original intent of Mosaic Law. In the case of divorce, however, Isserles’s strictness resulted from a desire to protect women from cruel and punitive husbands.163 Isserles’s concern for reducing the cases in which women remained as *agunot* (plural of *agunah*), remarked Perl, led him to dispense with several conditions for the proper writing of the *get*. Even a brief survey of the rabbinic attitude toward Jewish divorce law illustrated that reasonableness and historical context informed their decisions. Perl’s unstated conclusion was that rationality and decency should inform the contemporary problem of a convert seeking to divorce his Jewish wife. No longer a member of the Jewish community, a convert should be able to divorce his wife privately and prevent her from becoming a grass widow without impugning the integrity of Jewish law.

Perl’s treatment of interest and the release of debts in the Sabbatical Year in the second and third sections of his treatise also appealed to history and *Zeitgeist*. His engagement with the religious legality of extending credit, an issue that had long preoccupied halakhists and the Church — and one that had also been long resolved — speaks legions about the preoccupation of *maskilim*, and the modernizing state, with redirecting the economic behavior of Ashkenazic Jews away from moneylending, petty trade, and commerce toward agriculture.164 In *Über die Modifikation*, Perl analyzed the dominance of

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164 All of the early modern petitions urging Jewish resettlement in western Europe or protecting Jewish privileges in Italian city-states emphasized the positive role of Jewish mercantile activity, including the extension of credit. See the discussion in Jonathan I. Israel, *European Jewry in the Age of Mercantilism, 1550–1750* (Oxford: Clarendon, 1985). On Simone
Jews in trade despite the biblical prohibition on lending with interest to a fellow Jew. While the productivization of the poor Jews of Galicia was central to both the maskilim and the state, Perl’s discussion of moneylending had a distinctly apologetic tone. The concentration of Jews in professions of trade and commerce had been historically conditioned. Surveying the Bible’s repeated injunctions against lending on interest, Perl concluded, “The great and magnificent plan of the Lawgiver — who expresses himself so often and clearly in the Pentateuch — [was] to make the Jewish nation into farmers.”

As in the case of intermarriage, the issue of moneylending between Jew and non-Jew touched the critical issue of whether or not Jews, invited into the modern European state, would treat their non-Jewish co-citizens and co-subjects by the same standard that they treated their own. The Napoleonic Sanhedrin crystallized this concern in its eighth question: “Does Jewish law forbid Jews from taking interest from their own? What about from Gentiles?” In response, the notables of the Sanhedrin dissimulated, assuring Napoleon that Mosaic Law did not permit the extension of interest to Gentiles. See M. Diogene Tama, trans., Transactions of the Parisian Sanhedrin, or Acts of the Assembly of Israelitish Deputies of France and Italy (New York: University Press of America, 1985), 197–207; Simon Schwarzfuchs, Napoleon, the Jews and the Sanhedrin (London: The Littmann Library of Jewish Civilization, 1979), 69, 203, footnote 22; Gil Graff, Dina de-Malkhuta Dina in Jewish Law, 1750–1848 (Tuscaloosa, Ala.: The University of Alabama Press, 1985). Ishmael ben Abraham Isaac ha-Kohen of Modena, too old to travel to Paris, rejected the political accommodationism of the notables, claiming that their denial of Jewish law’s sanction of lending money with interest to Gentiles contradicted the Bible, the Talmud, and the Talmud’s decisors. See Judah Rosenthal, “R. Ishmael of Modena’s Responses to the Emperor Napoleon’s Twelve Questions,” Talpiyyot 4 (1950): 565–87, particularly 583. Jay Berkovitz argues in a forthcoming article that the notables’ positive attitude toward Gentiles exhibited in their responses to Napoleon reflects a more open-minded attitude to Christians and Christianity on the part of several important traditional eighteenth-century European Jews than has usually been assumed. See Jay Berkovitz, “Changing Conceptions of Gentiles at the Threshold of Modernity: The Napoleonic Sanhedrin,” forthcoming in Orthodox Forum. I would like to thank Professor Berkovitz for sharing his work with me.

On the question of how the medieval Ashkenazic rabbinate balanced their commitment to the principles of Jewish law with the exigencies of daily life that required negotiating with Gentile authority and surviving economically, see Haym Soloveitchik, “Pawnbroking and a Study of Ribbit and of the Halakha in Exile,” PAAJR 38–39 (1970): 203–68.

165 Springer, “Enlightened Absolutism.”

166 Perl, Über die Modifikation, 30.
With the passage of time and the context of historical circumstance, the prohibitions against extending credit could no longer be upheld. As Jewish economic opportunity was constricted because of the enmity of the government authorities and the gradual shift away from agriculture as the dominant mode of production in the economy of ancient Israel, trade began to monopolize Jewish life. Surveying the economic profile of medieval Ashkenazic Jewry, Perl made a sweeping claim, "What the great-grandfather was forced to do out of material need, the grandsons continued out of custom, and so all of Jewry — save a small part — became businessmen, negotiants, and speculators, so that Jew and Commerce, which was inextricably bound up with profit, became, indeed, inseparable objects."167

Incapable of fighting economic realia, rabbinic leaders derived legal constructs to protect biblical law and allow extension of loans with interest. Preeminently concerned with maintaining the sanctity of divine law and the legitimacy of rabbinic authority to interpret the law, the rabbis created the legal category known as the heter isqa,168 by which the creditor became an associate in business with the debtor, who managed the “business” and paid his associate, the lender, a fixed amount of profit they had previously agreed upon. Perl conceded to his Gentile audience that this legal loophole might appear implausible, but insisted that it was not:

While now the scoffer delights in condemning this manner [of circumventing the law], I confess my weakness that in this case I admire the vision and knowledge of the teachers of that period for the spirit of their time (ihrem Zeitgeist). The businessmen were given an easy means to insure they could deal with cash any way they could without running into collision with interest law. The law maintained its authority; the non-commercial [Jews] or the poor received what little they needed without interest; [and] usury was sufficiently controlled.169

Defending rabbinic prerogative, even while criticizing its historical intransigence as it had developed in Ashkenaz, Perl appears as an apologist for Jewish legal argumentation.170

Regarding the Torah’s command to leave fields fallow and remit debts in the seventh year, Perl concluded that biblical Israel upheld the law until Nehemiah’s period, but that the exigencies of Jewish accommodation to

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167 Ibid., 42. The emphasis is Perl’s.
168 In letter seventeen of Boh en tsaddiq, in which Ovadiyah ben Pesakhiyah criticizes the merchants of Brody, an important Galician border city, for their immoral business practices, he points specifically to their extending interest without the heter isqa. See [Perl], Boh en tsaddiq, 75–78. Perl’s depiction of Brody aroused the ire of the maskilim in Brody. See Spicehandler, "Joshua Heschel Schorr,” 31:198.
169 Perl, Über die Modifikation, 45–46.
170 See, too, Perl’s defense of the traditional non-Hasidic rabbinate in [Perl], Über das Wesen der Shtie Chassidim, 66.
Persian, Greek, and Roman rule led to the commandment’s disregard and transgression. The Jewish religious leadership in the late Second Temple Period felt compelled both to protect the Torah’s original intention to absolve all debts in the Sabbatical Year and to protect the members of the Jewish community whose livelihoods depended upon “lending and borrowing.” Various legal maneuverings, including Hillel’s initiation of the institution of the Prosbul, which prevented the remission of debts in the Sabbatical Year, ensued to honor the spirit of the law, to prevent bankruptcy, and to provide moderate loans to the poor in the years before the Sabbatical. The Rabbis’ consideration for economic and political pressures resulting from a new historical context in which the Jews had become a “trade-oriented nation” induced them to avail “themselves of a means by which to be able to circumvent, [for] they could not abolish, this law [shemitah].” Perl concluded that the classical Sages “could make the effort to lighten or to circumvent laws that could be disadvantageous given the political conditions of the nation.” The abrogation of laws that had fallen into disuse was also part of their purview.

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171 Perl, Über die Modifikation, 49. In his footnote, Perl explicitly appealed to the rabbinic adage dina dimalkhuta dina (“the law of the land [the Gentile hosts] is the law”) cited in b. Gittin 10b to explain why ancient Israelites accommodated to non-Jewish law and abandoned observance of the laws of the Sabbatical Year.

172 See the prooftexts cited by Perl, m. Shevi’it 10:1–2 and b. Gittin 36a, in which the discussion adduces biblical justification for the Prosbul based on Deut 15:2 and 15:9.

173 Ibid. Suggestively, Perl chose the case of ritual immersion required by the Torah for a man’s involuntary nocturnal emission (qeri) as the prooftext for rabbinic flexibility regarding the law. The Torah’s original requirement, reasoned Perl, had fallen into disuse in the Babylonian exile and was reinstated and modified by Ezra at the beginning of the Second Temple period. According to b. Bava Qamma 82a, Ezra required that immersion occur only for recitation of the Shema and reading of the Torah because, in Perl’s view, he “realized that unconditional purification could not be required from a slavish, broken nation as it had been from a free, independent [nation].” By the period of the Talmud, ritual immersion for qeri was no longer common practice. Perl’s fascination with the laws governing involuntary emission, although he did not belabor the point in his treatise to the Galician Kreisamt, was no doubt conditioned by the Hasidic preoccupation with the subject. Shneur Zalman of Lady (Liady) devoted chapter seven of the Tanya to the question of masturbation, which he considered more heinous than other kinds of sexual infractions involving a man and his wife because the semen was wasted, unabsorbed by the “husks” of the sitra ahra. Rectifying the sin of involuntary emission dominated books of popular Jewish spirituality in the eighteenth century. See Gershon David Hundert, “Jewish Popular Spirituality in the Eighteenth Century,” Polin 15 (2002): 93–103; Biale, Eros and the Jews, chapter 6, “The Displacement of Desire in Eighteenth-Century Hasidism,” and my earlier discussion of mahashavot zarot in Chapter Three. See, too, Lefin’s brief comment on the Hasidic innovation of immersing on the eve of the Day of Atonement to atone for qeri in the Joseph Perl Archive, JNULA, 4° 1153/72, 3b.
After answering his treatise’s first question to his satisfaction, concluding that the leaders and teachers of the Jewish community had allowed themselves to make changes in Mosaic legislation, Perl continued with an examination of the second issue: the “basis” (Grund) upon which the rabbinic leadership in the past had modified Jewish law. He concluded that the rabbinic leadership, both Talmudic and post-Talmudic, had always taken time and circumstances into their interpretation of Jewish law, but had always done so in a manner to maintain the law’s integrity, authority, and sanctity. The rabbis in the past had “tried to derive modifications from the law itself, and were very cautious about changing the law, so as not to diminish its authority in the people’s eyes.”

Concern for the integrity of the halakhic process meant that the rabbinate was assiduous in modifying or deriving law from its internal “orthography, grammar, and logic.” Rabbinic exegesis, for Perl, resulted from an effort to produce an a priori desired legal result, but from within the law itself. Authority was vested in the rabbinic teachers, whose duty it was to interpret the law in the spirit of God’s original intention, and to prevent “a swindler or an imposter” from arising and leading “the people away from the true belief in divine law through erroneous interpretations of the laws.” An exegetical system that allowed the occasional error in rabbinic judgment to creep in was still preferable to the disunity that could ensue without the recognition of one authority guided by the religion’s fundamental principles.

Religious authority in Judaism, however, Perl argued, was vested not only in religious personalities, like the biblical prophet Samuel, but also at certain historical junctures in temporal leaders, like Jephthah, an ancient Israelite judge whose authority derived from his military prowess. Indeed, the Rabbis of the Talmud themselves expressed the view that the Jewish people should not discriminate between obedience to “temporal rulers and leaders in matters of law” in their adage, “What Jephthah was in his time, Samuel was in his” (b. Rosh Hashanah 25b). Implicit in Perl’s use of this Talmudic
prooftext was a point he would develop later in the treatise: that at certain historical moments the Jews could be legitimately guided by their temporal Jewish leaders who were to be considered as authoritative as any religious leadership.181

Perl’s treatise next addressed the conundrum facing all reformist maskilim: how to account for the character of cultural pietism that had enveloped Ashkenazic Jewry, making it hostile to what he felt was its natural legal tradition, one open to modification? The current state of Ashkenazic rabbinic culture, in Perl’s reading, was a betrayal of the original legitimacy of rabbinic authority. In consonance with Perl’s defense of rabbinic culture on a theoretical level, he did not cast all the blame on the rabbis themselves, and opined that “as a group — there are always exceptions in every class of men — they are overall deeply moral and virtuous; their virtues do not permit a conscious tyranny over the people. If we see them perform actions of this kind, then we must attribute their origin to ignorance that has sanctified custom through time and marked it with holiness.”182

The proclivity of the Ashkenazic rabbinate to adjudicate Jewish law in the direction of legal stringencies, argued Perl, lay in the economic history of the Jews. The inconsistency of rabbinic income in Ashkenazic Jewish society led to the professionalization of the rabbinate, making it dependent upon the will and needs of the people, who were often ignorant of the highest principles of Jewish law.183 As he had done in the case of the beard and divorce, Perl examined the historical development of Judaism’s attitude toward rabbinic income and explored the difference between Sephardic and Ashkenazic custom. The prohibition in the Mishnah against receiving an income from rabbinic adjudication and teaching could be upheld in ancient times

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181 Perl was clearly influenced by Judah Leib Mieses’s republication of David Caro’s Tekhunat harabbanim (Die Pflichten den Rabbiner) in 1823. Caro (1782–1839), a Polish maskil, had penned Tekhunat harabbanim as the third section of his Berit emet (The True Covenant, Dessau, 1820), which defended the aesthetic and liturgical changes of the Hamburg Temple and criticized the traditionalist pamphlet, Eleh ivrei haberit (These Are the Words of the Covenant), that attacked the reformers. Tekhunat harabbanim addressed five issue of rabbinic authority: “(1) What was the designation of the rabbi in the earliest times and what is it now? (2) Is it essential for the Jews to have a rabbi? And how is a Jew appointed and chosen for this sacred work? (3) What are the obligations of a rabbi that he must do and uphold? (4) How did the Sages of old fulfill their obligations and how do they fulfill them now? (5) If the teachers and leaders of the Jews do not do what is good and right, what happens?” See Judah Leib Mieses, Tekhunat harabbanim (Vienna: Anton Strauss, 1829).

182 Perl, Über die Modifikation, 68.

183 On the perception of the decline in standards in the German-Jewish rabbinate and the abuse of rabbinic fees, see Sorkin, The Transformation of German Jewry, 48–49.
because most of the Sages and the people were engaged with agriculture. With the passage of time, and the shift in Jewish economic activity away from farming and toward trade, the Sages found themselves in a quandary. If they sustained themselves economically, they had no time “to remain true to their calling as jurists [Casuisten].” They gradually chose to remove themselves from worldly affairs and to devote themselves to divine service. Concerned with protecting the spirit of the Mishnah’s prohibition on deriving income from their rabbinic legal work, Perl explained, the Sages of Talmud derived a means by which to protect the law and support themselves economically. A rabbi, the Talmud reasoned, could be paid for the loss of time (which he might have used for a trade), not for his teaching and learning. This became common practice, but opposition to this legal circumvention arose by medieval times. Perl cited Maimonides’s Commentary on the Mishnah, Avot 4.6, in which the medieval codifier railed against the practice of compensating rabbis, and cited both biblical and rabbinic precedents to support his claim. In contrast to Maimonides’s position against rabbinic remuneration, Perl adduced the case of the Ashkenazic codifier, Asher ben Jehiel (the Rosh), who endorsed rabbinic compensation: “He [the Rosh] was a German Jew who at the time of the expulsion of the Jews from France came to Toledo [Spain], where he had to live as a rabbi from his Talmudic expertise. Experience confirms very well that the majority of [Ashkenazic] rabbis, having no stable livelihood, [found] the opinion of R. Asher preferable to that of Maimonides.” In time, rabbinic compensation also included a wide spectrum of fees for the performance of religious ceremonies, such as

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184 See the discussion in b. Ketubbot 105a cited by Perl.
185 Perl, Über die Modifikation, 71. In his footnote, Perl pointed his readers to Asher ben Jehiel’s comments on m. Bekhorot 4:5, on the Mishnah that begins “one who receives compensation for adjudication.” Perl’s historical knowledge of the Rosh comes from Seder hadorot (Karlsruhe, 1769), a traditional bibliography compiled by Jehiel ben Solomon Heilprin (1660–1746), a Lithuanian rabbinic figure. Shir, too, employed Seder hadorot, as well as the Arukh by Solomon ibn Parhon (1160) and Abraham Zacuto’s Yud asin. On Shir’s historical method, see Gerson Cohen, “The Reconstruction of Gaonic History,” in Texts and Studies in Jewish History and Literature, vol. 1 (ed. Jacob Mann; New York: KTAV, 1942), 15.

Perl also added: “R. Ovadiyah [Ovadiyah ben Avraham Bertinoro, c. 1450–before 1516], commentator on the Mishnah, and R. Moses Isserles, both of whom lived in the sixteenth century, among others, provide more proof for [the difference between Ashkenazic and Sephardic positions on rabbinic remuneration]: the first was not provided with a rabbinic position, thus he railed against the rabbis who were paid for their efforts in assisting at religious ceremonies (see his comments on m. Bekhorot 4:5), while R. Moses Isserles, who, as already mentioned, was provided with a rabbinic position, rejected anew the position of R. Ovadiyah.” Perl, Über die Modifikation, 71. Isserles’s rejection of Bertinoro’s position is with regard to the payment of scribes and rabbis drawing up writs of divorce, which Isserles did not consider to belong to the category of adjudication. See Isserles’s comments to Shulhan arukh, seder hagat, section 4.
circumcisions, betrothals, and marriages. Gifts at Chanukah\textsuperscript{186} and Purim became normative.\textsuperscript{187}

Asher ben Jehiel’s position and the historically-conditioned restrictions on Jewish economic activity informed Ashkenazic-Jewish culture’s attitude toward rabbinic compensation. Polish-Jewish families consciously instructed their sons to be knowledgeable in Talmud, and nothing else, leaving them only the rabbinate, membership on a rabbinic court, and teaching as means of subsistence. The devotion to Talmud and the retreat from society’s economic demands worked together to create the economic “baroqueness” of early modern Polish Jewry, whose rabbinic class’s ability to sustain itself merely through the collection of fees increasingly caught the attention of their Polish lords.\textsuperscript{188} In time, the Polish overseers “took the rabbinate into their power . . . and imposed a rent for one or more rental periods upon it [the rabbinate], as they did with the liquor vendors.”\textsuperscript{189} Here we find Perl echoing a well-known complaint in early modern Polish-Jewish history: the purchase of rabbinic offices.\textsuperscript{190} Perl’s critique of the Polish-Jewish rabbinate thus encompassed seemingly contradictory complaints: contempt for its retreat from the world and disdain for its corruption at the behest of the Polish nobility.

Finally, Perl decried the Polish-Jewish rabbinate’s dependence upon the Polish-Jewish masses for economic support. Rather than lead the Jewish public, the Polish-Jewish religious leadership followed the unlettered people, who:

> Just like those of any nation, have no conception of genuine religion and morality. Since they are an oppressed people, they were accustomed only to concocting impiety, fanaticism, and superstition. . . . This people naturally wanted to determine the worth of

\textsuperscript{186} Perl used the word \textit{Weihnachtsgeschenke} (literally, Christmas gifts) for his Austrian readers, perhaps because the two holidays often fall promixate to one another on the calendar.

\textsuperscript{187} In his footnote, Perl complained about a wealthy rabbi from his childhood who demanded that the author give him a gift for Purim. Perl, \textit{Über die Modifikation}, 72.

\textsuperscript{188} Israel ben Moshe Zamos\%vo voiced a similar critique in his \textit{Netsah yisraʻel} (1741). See Harris, \textit{How Do We Know This?} 139.

\textsuperscript{189} Perl, \textit{Über die Modifikation}, 74–75.

\textsuperscript{190} On the \textit{konseny rabinostwa}, the arenda for rabbinic office, see Chapter Two, M. J. Rosman, \textit{The Lords’ Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth during the Eighteenth Century} (Cambridge, Mass.: Harvard Ukranian Research Institute, 1990), 200, and Teller, “The Legal Status of the Jews,” 57–59. Perl’s indignation at the purchase of rabbinic offices was articulated earlier by David Caro, who commented that “in most cases [of rabbinic appointment] in Poland a wealthy man purchases a rabbinic seat for his son or son-in-law like a man buys an apple for his small son, even though he is dull, young, and stupid.” Caro cited, and Perl alluded to, \textit{y. Bikkurim}, chapter 3, 65d, in which the prayershab on a man who purchases his rabbinic office is compared to a donkey’s saddle. See Caro’s text, reprinted by Mieses, \textit{Tekhunat harabbanim}, 11, footnote on the bottom of the page.
its teachers according to no other measure than those whose actions flattered their [the people’s] mentality. The more a teacher behaved according to the sense and taste of the this superstitious people, the better became his reputation and the more productive were his revenues.\textsuperscript{191}

A man who wanted to retain his position of rabbinical leadership had to “feign piety, withdraw into his cell, and retreat as much as possible from the world and the spirit of the times.”\textsuperscript{192} With the passage of time, the Polish-Jewish rabbinate used its erudition not to bolster existing \textit{halakhah} and customs, but to create “new customs and ceremonies from which a Talmudist of antiquity would recoil with shrieks.”\textsuperscript{193} The mindless will of the people, who idolized the pietist and stigmatized the rationalist, had gotten the best of sincere members of the rabbinate who were incapable of uprooting an accepted popular custom. “Thus,” Perl concluded, even “the Rashba (Solomon ibn Adret, a thirteenth-century rabbinic figure), despite his great authority, could not bring the people to give up a custom as dumb as it was superstitious: the slaughtering of a sin offering on the day before the Day of Atonement.”\textsuperscript{194}

\section*{Minhag, Rabbinic Authority, and Modernity}

Treating the issue of \textit{minhag} and its effect on Jewish religious praxis cuts to the heart of the Haskalah’s effort to transform Polish Jewry and to the much more fundamental issue of rabbinic authority and its continuity in the modern period.\textsuperscript{195} Perl believed that he had proven that the classical Sages had both taken the “spirit of the times” into consideration when adjudicating Jewish law and modified \textit{halakhah} only if able to maintain the integrity of the

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\item Perl, \texttextit{Über die Modifikation}, 75–76.
\item Ibid., 76.
\item Ibid., 77.
\item Ibid. The ritual of \textit{kapparah}, in which a rooster or hen to whom the sins of a penitent Jew are transferred is swung over the penitent’s head and then slaughtered, dates from the seventh century. \textit{Kapparah} was not universally accepted; Maimonides, Joseph Karo, and Solomon ibn Adret, were against the custom, calling it “the ways of the Amorites.” Moses Isserles allowed it and \textit{kapparah} became normative practice among Ashkenazic Jews. See Jacob Z. Lauterbach, “The Ritual for the Kapparot Ceremony,” in \texttextit{Studies in Jewish Law, Custom and Folklore} (ed. Jacob Z. Lauterbach; New York: KTAV, 1970), 133–43. On the persistence of the ritual among contemporary Ashkenazic Jewish communities, see Aviva Weintraub, “Poultry in Motion: The Jewish Atonement Ritual of Kapores,” in \texttextit{Jews of Brooklyn} (ed. Ilana Abramovitch and Seán Galvin; Hanover, N.H.: University of New England Press, 2002), 209–13.
\item For an important analysis of contemporary Orthodoxy’s devaluation of customary law, see Soloveitchik, “Rupture and Reconstruction.” See, too, the discussion in Dan Miron, “Folklore and Antifolklore in the Yiddish Fiction of the Haskalah,” in \texttextit{Studies in Jewish Folklore} (ed. Frank Talmage; Cambridge, Mass.: Association for Jewish Studies, 1980), 219–49.
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halakhic process and the authority of the law itself. In his effort to historicize Jewish law, Perl positioned himself as a legitimate successor to internal Jewish traditions of rabbinic critique. He defined himself as a moderate *maskil* when it came to the question of Jewish law and rabbinic authority, although his negative attitude toward Hasidism was unrestrained. For Perl, the Hasidim were the fullest expression of a more fundamental problem in Jewish culture in Eastern Europe: the penchant toward supererogation. Perl wanted to create a modern Polish-Jewish culture within what he considered to be the reasonable boundaries of the law. Thus, in his treatise and other memos Perl never explicitly challenged the authority of the Oral Law, but rather focused on the cultural insularity that Ashkenazic Jewry’s fidelity to custom had created, and that produced resistance to their integration into the Habsburg state. He hoped to transform Galician Jewry by combatting its supererogation from within the sources of rabbinic Judaism, and from within the culture of pre-modern Polish Jewry. In *Über die Modifikation*, Perl wished to make a principled commitment to the ability of contemporary rabbinic authorities to adjust Jewish law to the spirit of the times.

Perl’s critique of *minhag* was culturally specific. He wanted the contemporary Polish-Galician rabbinate to assert its authority to rein in the uncontrollable growth of new customary laws that Polish-Galician Jewry now considered binding. The entrenchment of customary law not only created an obstacle for contemporary Galician Jews to become upstanding modern subjects of the Habsburg Monarchy, but it also distanced them from the authentic traditions of their Polish Jewish ancestors. Perl’s efforts to historicize the supererogation of Polish Jewry as a means to thwart the efflorescence of Hasidic custom and to counter the cultural insularity that Ashkenazic Jewry’s fidelity to custom had engendered was thus part of a crusade to restore his image of Polish Jewry’s past glory. Although fascinated with Sephardic and Italian Jewry, Perl’s vision of the Haskalah for Galician Jewry did not entail, as it did for many of his Prussian brethren, an “unhinging,” to use Ismar Schorsch’s pointed phrase, “from the house of Ashkenazic Judaism.”

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196 For a discussion of internal rabbinic critique of Jewish law, see Talya Fishman, *Shaking the Pillars of Exile: Voice of a Fool,* an Early Modern Jewish Critique of Rabbinic Culture (Stanford, Calif.: Stanford University Press, 1997). On Moses Mendelssohn’s and Naftali Herz Wessely’s conservative attitude toward rabbinic authority and biblical exegesis, see Breuer, *The Limits of Enlightenment.*

197 On the ancestral traditions of Polish Jews, see [Perl], *Bohen tsaddiq,* 34.

198 Ismar Schorsch explored Prussian Jewry’s romantic fascination with what they believed to be Sephardic Jewry’s exemplary balance of Jewish tradition and non-Jewish learning and culture in Ismar Schorsch, “The Myth of Sephardic Supremacy,” in *From Text to Context: The Turn to History in Modern Judaism* (Hanover, N.H.: University Press of New England, 1994), 71–92. Many East European *maskilim,* too, valorized the culture of Sephardic Jewry and looked toward it as an model of the desired harmony between faith and reason, Hebraism...
least not from the entire house of Ashkenaz. Like his German-Jewish peers, who created an image of themselves by imaging a benighted, East European “Other,” Perl, as Lefin had before him, engaged in a similar act of typological distancing. Viewing the Hasidic aesthetic as the antithesis of the values of Bildung that he aspired to, Perl projected “Otherness” primarily onto the Hasidim, who he believed intentionally fostered their Unbildung.199 The rest of his Galician-Jewish brethren were merely weak and misguided.

He also maintained that although there was historic precedent for the Ashkenazic penchant toward stringency in the adjudication of Jewish law, the unwillingness of the contemporary Polish-Jewish rabbinate to decide law in “the spirit of the times” contradicted the intent of both biblical and rabbinic legislation.200 Contemporary Hasidism’s love affair with superfluous custom burdened an already “baroque” culture and represented a usurpation of traditional rabbinic authority.201

By the end of Über die Modifikation, Perl felt he had made his case to the state for the urgent need to supervise the creation of a reasonable rabbinate to guide Galician Jewry. In keeping with his concern to distance himself from Herz Homberg’s failed attempt to transform Galician Jewry, Perl reminded the Kreisamt to allow the Jewish community to be involved with the selection of the religious affairs administration that would empower and salary the rabbinate, for its goals were “to affect the Jews and no one else.”202 If the selection took place among that part of the Jewish community that understood the “true principles of religion” and not the group that represented the “[fanatical] spirit of the people,” the new rabbinate would liberate Galician Jewry “from the intense pressure of [being obligated by the] voluntary legal adornments of their ignorant teachers [e.g. the Hasidic zaddikim].”203 A

and knowledge of Gentile languages, expertise in traditional Jewish sources and in the Gentile fields of philosophy, philology and poetry, and devotion to Jewish law and participation in the Gentile state. See Shmuel Werses, “Judah ha-Levi in the Mirror of the Nineteenth Century,” in Megamatot vetsoerot besifrut habesherah (Jerusalem: Magnes Press, 1990), 50–89.

199 For the use of the term Unbildung, see Steven E. Aschheim, Brothers and Strangers: The East European Jew in German and German Jewish Consciousness, 1800–1923 (Madison: University of Wisconsin Press, 1982), 8.

200 Perl, Über die Modifikation, unpaginated introduction. See, too, David Caro’s critique of stringency, published in Mieses, Tekhnat harabbanim, 32.

201 Perl remained loyal to some m’tahagim practiced in Ashkenaz, despite his general campaign against customary law. According to Israel Bartal, the literary historian Chone Shmeruk frequently repeated that Perl punished his servants for forgetting to spread straw on the threshold of his synagogue in Tarnopol on the eve of Yom Kippur in order to flagellate sinners. See Israel Bartal, “Chone Shmeruk — In Memoriam,” Gal-Ed 15-16 (1997): 18.

202 Perl, Über die Modifikation, 80. Emphasis is Perl’s.

203 Ibid.
short while after he penned his treatise, Perl endeavored to effect this transformation in the rabbinate by his campaign to install Shir (Solomon Judah Rapoport) as head of the rabbinical court in Tarnopol.204

Perl’s final effort, penned shortly before his death, to redirect Galician Jewry away from the appeal of what he believed to be Hasidic supererogation and superstitiousness was a long memorandum to the authorities in Tarnopol regarding state supervision of rabbis, shohatim (kosher slaughterers), and mohalim (circumcisers), three critical areas of Jewish communal life that he felt had been usurped by the Hasidim.205 In the cover letter to the memorandum, Perl described the goals of the state as the antithesis of the culture of the Hasidim, who wanted, in Perl’s view, “to strip the Jews of all Bildung,” and to prevent them from making any steps toward integration into Galician society. Worse, and here echoing Lefin’s own concerns, Perl asserted that the goal of the Hasidic leadership was complete authority over every aspect of the lives of Galician Jewry, from whom they demanded total loyalty at the expense of any allegiance to God or the state.206 The memo’s content detailed how the Hasidim slowly, yet inexorably, came to dominate Galician-Jewish society by intimidating the non-Hasidic rabbinate, harassing the non-Hasidic shohatim out of business,207 and assuring that no male Jewish infants were circumcized by mohalim not subject to Hasidic control.208 If the government did not intervene immediately to quash the relentless subjugation of Galician Jewry by these “Janissaries,” there would be “no force on earth able to bring the Jews closer to general society and to integrate (assimiliren) them with the rest of Galicia’s residents.”209 The “sect’s” separatism and intoler-

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205 Philip Friedman relates, without questioning the authenticity of the account, that when Joseph Perl died in 1839 (on Simhat Torah), the Hasidim of Tarnopol danced in the streets to celebrate. Given that the holiday of Simhat Torah encourages dancing, it would not be surprising that Hasidim celebrating the festival would have danced in the streets, whether or not their enemy, Perl, had died. See Friedman, “Joseph Perl as an Educational Activist,” 179.

206 The cover letter is published in Raphael Mahler, Hashole un hisdes: der kamf[t tweishn hashole un hisdes in geliste in der erschter helf fun nayntsnt vorhundert (New York: YIVO Institute, 1942), 238–39. See, too, Perl’s comments about Hasidism’s rejection of any obligations to the state in [Perl], Über das Wesen der Sehte Chassidim, 133–40.


209 Published in ibid., 89 and 91. I have translated Perl’s term assimilern as “to integrate” to avoid the contemporary connotation of “communal and self-liquidation,” which he did not
ance had already created insuperable barriers to the state’s efforts. The bald etatism revealed in this memo derived from Perl’s effort, which he believed to be moderate, to separate his commitment to Jewish law from loyalty to a cowed rabbinate or, worse from his point of view, to corrupt Hasidim who arrogated the authority to derive new laws and customs in opposition to the values of classical rabbinic Judaism.

Perl’s treatise on Jewish law and his last memo to the provincial authorities reveal the struggle of the moderate *maskilim* in Eastern Europe to define what they believed to be the legitimate parameters of rabbinic authority. Although penned a half-century after Mendelssohn’s *Jerusalem*, Perl’s comments show the commanding stamp of his predecessor’s efforts to retain the sanctity of the Talmud and rabbinic exegesis, while asserting the primacy of individual conscience. In both *Über die Modifikation* and his last memo, Perl argued that Judaism’s “true” principles denied its rabbinic leadership the authority to punish and emphasized instead its role as educator:

> Those who understand Judaism know that rabbis are not regarded as clergy in any way; that Jewish law does not require the presence of a rabbi [for the performance of rituals]; that no single religious ceremony exists that can be performed exclusively by the rabbi. [They know] that the rabbi is, above all, only a man who becomes familiar with that which is legally correct and incorrect — particularly in the case of the dietary laws — in order to resolve the doubts of the uninformed Jew, who turns to him in various cases. [They also know] that these [doubts] could be resolved by every other [ordinary] Jew, as well, if he tried.

According to Jewish religious principles, rabbis are to be considered and treated not like ordinary people, nor as servants of the Church, but as normal religious individuals. Rabbis and religious functionaries are, according to the true sense of Judaism, only teachers of the people; their responsibility is to teach the people religious and moral principles, to preach, and to supervise their [the people’s] practice, without, indeed, being able to exercise any kind of authority against transgressors.

In both texts, Perl, serving as vernacular interpreter of Judaism to a non-Jewish audience, underscored his commitment to individual moral autono-

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210 For Mendelssohn, the rabbinate’s historic authority to punish, particularly to excommunicate, was illegitimate, denying Judaism’s true principles. As he detailed in the first section of *Jerusalem*, which argued for the total separation of Church and State, only the state had the right to police actions; religion’s purview included solely the edification and instruction of principles. For Mendelssohn, “true” religion did not have the power of coercion. See Moses Mendelssohn, *Jerusalem*, or, *On Religious Power and Judaism* (Hanover, N.H.: Brandeis University Press, 1985), 33–75. In his words, “The right to our own convictions is inalienable,” 61. See, too, David Sorkin, *Moses Mendelssohn and the Religious Enlightenment* (Berkeley: University of California Press, 1996), 120–25.

211 Perl, *Über die Modifikation*, unpaginated introduction.

212 Published in Mahler, “Joseph Perl’s Memo to the Authorities,” 98.
my, even in the case of Jewish law. More activist than philosopher, Perl did not write a sophisticated philosophic treatment of how Jewish law could be binding individually, while denying the rabbinate coercive power, as Mendelssohn had done. But, like Mendelssohn, Perl strove to show his respect for the theory of rabbinic authority, while rejecting the praxis of Rabbinic authority.213 His insistence that the true role of the rabbi was teacher, not judge and jury, revealed his modern sensibilities and the diminution of Jewish corporate autonomy and rabbinic authority in the Habsburg sphere, even in the period of the Restoration.214

By focusing his frustration on minhag and supererogation, as did other East European maskilim, and not on halakhah, Perl asserted that the Haskalah, while reformist, did not attack the foundation of Jewish law, the Talmud. Perl’s effort to preserve rabbinic authority while making it reasonable distinguishes moderate maskilim from their counterparts, particularly those in contemporaneous Prussia and later in Galicia, whose commitment to modernization entailed a full-scale embrace of civil law and the separation of Synagogue and State. Abraham Geiger (1810–1874), Samuel Holdheim (1806–1860), and Joshua Heschel Schorr (1818–1895) regarded Talmudic law, not religious custom, as the primary impediment to the modernization and rationalization of Judaism.215 Perl looked toward the state to support his campaign against minhag, but shaped his program of the Haskalah to fit a context in which the social and political process of full modernization had not yet occurred. Despite his etatism, Perl never articulated the political desire to subordinate all of Jewish law under the civil law of the state. He hoped to wean Galician Jewry from its dependence on religious custom generally, and from its submission to Hasidic custom particularly, thus making it possible for them to make a transition into the modern world that would be still faithful to what Perl felt was the core of traditional rabbinic culture.

Perl’s vision of the Haskalah was marked by a dualism, as it had been for Mendel Lefin before him and for the moderate maskilim who subsequently

walked the paths they paved. He worked to make Galician Jews active and upright participants in Habsburg society without sacrificing their knowledge of and commitment to Judaism’s classical texts and principle beliefs. Liberty of conscience was a hallmark of his modern commitments, but he endeavored to preserve a realm for the continuity of traditional Judaism’s legal and religious obligations. As it did for Lefin, the battle against Hasidism shaped all of Perl’s efforts to transform Galician Jewry. Hasidism’s new form of religious leadership, devotion to esoteric hermeneutics, ardor for supererogatory religious behavior, and rejection of what Perl believed to be the state’s well-intentioned reforms represented a vision of Jewish life that was diametrically opposed to that envisaged by the maskilim. The Hasidim, who according to Perl were accustomed to condemning anything contrary to their pietist dicta, “campaign[ed] particularly viciously against Wissenschaft, culture, and Enlightenment.” Jewish life in Galicia, if guided by a reasonable rabbinate, could fulfill the aspirations of Wessely’s Divrei shalom ve’emet, transforming an insular, supererogatory, Hasidic-oriented, in a word, “baroque” Jewish population, into a modern Jewish community literate in and obligated by its classical tradition and sources.

Perl’s efforts to transform Galician Jewry in the spirit of the moderate Haskalah failed. Opposition to his school from traditional rabbinic circles erupted as early as 1816, when a herem against Shir, Isaac Erter, Zevi Natkes, and Judah Pastor, “those who pursue sciences (hokhmot) and [study] non-Jewish languages,” was issued in Lemberg under the direction of Jacob Meshullam Orenstein and specifically mentioned the maskilic schools of Brody and Tarnopol. Orenstein, pressured by the Austrians who clearly

216 On the dualism of the maskilim, see Shmuel Feiner, “Toward a Historical Definition of the Haskalah,” in New Perspectives on the Haskalah (ed. Shmuel Feiner and David Sorkin; London: The Littman Library of Jewish Civilization, 2001), 184–219. See, too, David Caro’s preface to Tekhunat harabbanim, in which he took pains to define the term maskil as “a lover of truth who studies a great deal of wisdom and science . . . and moderates all of his behavior and actions according to the laws of reason and wisdom,” but not, as the masses think, a self-promoting, self-interested man, who is more swindler than maskil. Caro also contrasted the false zaddik, “who was only fastidious with regard to upholding unreasonable and baseless minhagim [and] not to the true and essential commandments” to the real zaddik, “an upright man, who, although unlearned in wisdom and science, conducts himself with righteousness and treats all men justly.” Both definitions illustrate the middle path that maskilim endeavored to walk between religious pietism and the “false” Enlightenment.

217 [Perl], Über das Wesen der Sekte Chassidim, 147.

218 Friedman, “Joseph Perl as an Educational Activist,” 169 and Weinlòs, Yosef Perls lebn un shafn, 31–32, footnote 1, for selections of the text of the writ, which does not mention the names of the maskilim. Weinlòs, in contrast to Mahler, suggests that Judah Leib Mieses was included in the ban. Jacob Samuel Bik related the events of the herem against Shir in an 1818 letter to Nachman Krochmal. See Ephraim Kupfer, “Jacob Samuel Bik in Light of New
supported instruction of German for the Jews of Galicia, ultimately had to repeal the herem in a public ritual reading outside the synagogue in Lemberg. Emboldened by the state’s intervention into the Jewish culture war, the maskilim of Brody, with Perl’s intercession, were able to pressure Zevi Hirsch of Zydaczów, a Hasidic zaddik, out of the city. This raised the stakes of the Kulturkampf even higher and the Zydaczower Hasidim responded by putting the maskilim of Tarnopol in herem in 1822.219 In 1827, when the same rebbe wanted to spend the Sabbath in Zbaraż, Perl drafted a memo to the local authorities, who prevented him from leaving his home village of Podkamiien.220 Yet Perl’s other efforts to stem the growth and influence of Hasidism on Galician Jewry foundered. Even his campaign to secure a rabbi predisposed to the moderate Haskalah for Tarnopol’s rabbinic court collapsed. Although Shir won the majority of the kahal electors’ votes and was installed in 1838, the victory was pyrrhic. The traditional Jewish community in Tarnopol, both Hasidic and non-Hasidic, rejected Rapoport, who served in Galicia for only three years and then left for Prague.221

In a letter written to Samuel Leib Goldenberg at the end of his life, Perl raised the white flag of surrender. Imploring Goldenberg to make sure that Kerem hemed, the journal under his editorship, represent the best values of the moderate Haskalah despite the extremism within Galician-Jewish culture, Perl wrote:

In our country now there are no men who combine Torah and Wisdom. [No one] has a reputation in both [fields]. When even a speck of [secular] knowledge is seen in someone, everyone distances himself from that individual and heaps abuse upon him. Their opinion is that a Torah scholar must separate himself from the affairs of this world. . . . Therefore, when a Polish Jew even begins to learn some kind of Gentile language or writing, or to be engaged in any kind of non-Jewish knowledge, he abandons both the Torah and the commandments. They [those interested in hokhmot] no longer have anything to do with God-fearing Jews committed to the Torah, who distance themselves from them, for they [those interested in hokhmot] see that the men who are considered men of Torah hate and pursue them almost to their deaths.222
While Perl could only imagine the Hasidim as the cause of what he believed to be Galician Jewry’s unrelenting obscurantism, Hasidic piety was not the only impediment to his program of the moderate Haskalah.

The conservatism of Restoration Austria also colluded against Perl’s activism, for the very state to whom he addressed his memoranda had long ceased to push for radical changes in Galician society, both Jewish and general. Ultimately, without the state’s support, the moderate maskilim were no match for Galician Jewry’s tenacious traditionalism, which, even after the dramatic political events of the second half of the nineteenth century, retained its power and meaning for a large sector of the Jewish population, well into the twentieth century. Although the revolution of 1848 emancipated Galician Jewry, post-revolutionary forces repealed the legal steps granting Jews equality under the law, and full political emancipation was only achieved in 1867. Complete legal equality then created its own political and cultural paradox: Jewish traditionalists who had earlier rejected the state’s intervention into Jewish life quickly learned how to employ the state for their own ends in order to protect, as best they could, the borders of their traditional culture against the onslaught of modernity.\footnote{When traditional Galician Jewry organized Orthodox political parties for representation in the regional and national Diet, a right garnered after 1867, they did so as a political expedience. Their tactic of allying with the state was ideologically pre-modern, even if the tools they employed (voting, mass parties) were distinctly modern. See Gershon C. Bacon, \textit{The Politics of Tradition: Agudat Yisrael in Poland, 1916–1939} (Jerusalem: Magnes Press, 1996); Rachel Manekin, “Politics, Religion, and National Identity: The Galician Jewish Vote in the 1873 Parliamentary Elections,” in \textit{Polin 12: Focusing on Galicia: Jews, Poles, and Ukrainians, 1772–1918} (ed. Israel Bartal and Antony Polonsky; London: The Littman Library of Jewish Civilization, 1999), 100–19; Piotr Wróbel, “The Jews of Galicia under Austrian-Polish Rule, 1869–1918,” \textit{Austrian History Yearbook} 25 (1994): 97–138. See Israel Bartal, “Early Modern Jewish Politics: ‘The Council of the Four Lands’ in Eastern Europe,” in \textit{Hatsiyyonut vehadimah lahistoryah: ha’arakhah mehadash} (ed. S. N. Eisenstadt and Moshe Lisk; Jerusalem: Yad Yitzhak ben Zevi, 1999), 194, for a discussion of the “early modern politics” of contemporary hareidi (“God-fearers, or “ultra-Orthodox”) who pragmatically utilize the political system of the modern state of Israel, a state they consider theologically illegitimate. See, too, Katz, \textit{A House Divided} and Michael K. Silber, “The Emergence of Ultra-Orthodoxy: The Invention of a Tradition,” in \textit{The Uses of Tradition: Jewish Continuity in the Modern Era} (ed. Jack Wertheimer; New York: The Jewish Theological Seminary of America, 1992), 25–84 for the “modernity” of self-consciously anti-modern religious movements in Judaism.}