Book Reviews


Reviewed by
Nathan J. Diament

“This work will focus on economic public policy for a society which is bound by Halakha (Jewish Law). Throughout this work we will refer to this society as the Torah society” (p. 3). Thus opens the third of Aaron Levine’s works on Jewish law’s approach to economic issues. His next sentence reinforces this theme: “The major theme of this work is that public policy provides an appropriate setting for an interface between economic theory and Halakha.” The unstated and unanswered question throughout the book, however, is whether the analyses offered are merely theoretical and informative, or meant to serve as a model for policy positions the halakhically observant community and its members who are simultaneously citizens in a secular society should support for adoption by the general society. To this foundational question we will return shortly.

Demonstrating his command of Jewish sources and economic theories, Levine discusses a broad range of policy topics. Analyses are offered for minimum wage legislation, comparable worth mandates, regulation of advertising, insider trading laws, employment stabilization legislation, and several others. In each case Levine sets out a comparative analysis between the approach of American law and halakha to these topics. One example is his discussion of prohibitions on trading on superior or insider information.

Trading on superior information entails the non-disclosure of material information by one party to the other. The classic example in American jurisprudence involved a mineral company purchasing parcels of land over a large mineral strike from landowners who had no knowledge of what was beneath them. Under American law, no obligation bound the company to disclose to the landowners that it had knowledge of the wealth below. Levine analyzes this scenario through the prism of Torah concepts.

He first discusses (p. 117) the concept of umdena, inferential fact determination, as presented in Ketubbobot 97a. In that talmudic discussion,
people of Nehardea sold their homes to raise cash to buy scarce grain. What the sellers did not know was that ships bearing large supplies of grain were just beyond their port. Rav Nahman ruled that the home sales were void retroactively on the basis of *umdena*, since the owners would not have sold if they had known what was offshore. Levine proceeds to distinguish the mineral rights case from the Nehardea case and argues that *umdena* would not void the land sales. Levine bases his distinctions on opinions of R. Avraham David Wahrman, *Tosafot*, and the *Hatam Sofer*. Each of these opinions offers interpretations of the role and scope of *umdena* such that the mineral rights case is distinguishable. R. Wahrman offers the position that *umdena* only voids transactions when the knowledge would have resulted in a party walking away from the deal, not the possibility of getting a higher price. *Tosafot* suggest that *umdena* is an *ex ante* evaluation, not a *post facto* method for voiding a transaction. *Hatam Sofer* demands that the *umdena* claim relate to the circumstances of the seller, not the article transferred. In the mineral case, seller disappointment with the price gotten for what he thought he was selling is not an appropriate *umdena* ground.

Levine moves from his *umdena* analysis to other relevant halakhic concepts, the next set relating to a potential obligation for disclosure of information. *Ona’a*, price overreach, is argued not to demand a disclosure of the mineral strike since it seeks to modify or cancel transactions concluded in circumstances wherein better terms were simultaneously available. Such better terms were not possible in the mineral case since the sale involved one particular tract of land and information that was inherently confidential and not to be discovered by any other party that could make use of it. *Genevat da’at* is similarly argued not to compel disclosure by the mining company since it had a legitimate ownership in the knowledge of the minerals below by virtue of having invested resources in searching and discovering the information. To demand disclosure, Levine argues, is to redistribute income between the company and the sellers (pp. 121-66). Levine does concede that if landowners put direct questions to the company regarding mineral finds, that *genevat da’at* principles would obligate truthful answers. *Lifnei iver*, providing bad or misleading advice, is also considered and, generally, rejected as a possible source for obligating disclosure. Based on a responsum of R. Shmuel de Medina, Levine argues (p. 124) that the prohibition of *lifnei iver* does not govern in the context of an adversarial setting, as in the mineral case, since the underlying notion is one of a fiduciary relationship between the counselor and the advisee.
In a manner much like his discussion of superior information cases, Levine similarly discusses trading on insider information, the use of material information gained by virtue of a person's unique access to that information by virtue of his or her being, typically, an officer of the corporate entity involved. In 1942, the Securities and Exchange Commission promulgated a rule (17 Code of Federal Regulations 10(b)(5)) prohibiting a person from making "affirmative misrepresentations, half truths or omissions in connection with a purchase or sale of securities." In 1968, the United States Court of Appeals ruled in the mineral rights case that company officials had violated this rule by purchasing shares in the company before news of the mineral discovery was disclosed. In assessing this issue with halakhic principles, Levine first notes that the key issue is determining the proprietary interest in the non-disclosed information since, as discussed above, halakha does not impose a pure disclosure obligation. Much of Levine's analysis focuses on finding an aspect of tangibility in the information, since no property right can obtain in an item unless it is an item sheyes bo mamash, literally, an item "that possesses tangibility." After finding halakhic avenues to tangibility, Levine discusses the propriety of demanding disgorgement of profits gained by insider trading, the first remedy imposed by American law, in R. Yose's position in Mishna Bava Metzia 3:2, where he rules that an individual who borrows a cow and subsequently rents it to another, must give the collected rental fee to the cow's owner. Levine notes that there is a dispute among halakhic authorities over what circumstances trigger the disgorgement obligation. The dispute centers on whether the owner's not suffering any loss is to be a determining factor as to the intermediate renter's liability. Levine outlines responsa by Rashba and Rav Joseph Habiba to underscore the position that if the owner suffers no loss, he is not entitled to demand disgorgement of the proceeds.

Another critical element in establishing a disgorgement requirement is establishing that one party to an impersonal stock trade benefited from secret information. Levine focuses on the concept of lifnei iver to analyze this aspect of the topic. He emphasizes that lifnei iver is "only violated if the facilitator's action will almost certainly lead to an untoward consequence" (p. 140). In other words, from a halakhic perspective, disgorgement will only be required as a remedy if a loss by a given buyer or seller can be traced to the insider's trade as its cause; this is a requirement not found in American law. Levine, however, qualifies this startling outcome by invoking a proposition of Rav Ahron Solo-
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veitchik that *lifnei iver* does apply to the mere “proffering of ill-suited advice.” Levine proceeds to discuss other topics related to insider trading, including cases involving other potential insiders who are not actually officers of the company but agents or intermediaries.

The chapter dealing with superior and insider trading issues is representative of the analysis Levine brings to bear on the range of issues listed above. He sets forth the policy issue, the approach of American law, and compares and contrasts that approach with halakhic analogues. The fascinating exception to the mainstream economic policy discussions is found in the fifth of the book’s nine chapters, which addresses the “making of the moral personality.” In his introductory chapter, Levine sets out what he seems to think is a polar tension between the importance of achieving economic efficiency (a goal he believes is favored under a halakhic system) and the simultaneous imperative for man and society to seek to achieve an existence based upon the principle of *imitatio dei*. In chapter five, Levine offers the theoretical underpinnings for an *imitatio* mandate for the public policy system and suggests it is based upon the story of Joseph in Egypt. The reader may wonder why this discussion of such a pivotal concept in Levine’s presentation is placed halfway into the work; the answer is unclear. Nonetheless, the discussion of government’s role as moral tutor is interesting and perhaps answers the question of what role these essays are to play in the thought and action of contemporary observant Jews living in a secular society.

Levine argues that government is charged with the responsibility of fostering the moral development of its citizens. The mission of statecraft is simultaneously one of soulcraft, since laws (or their absence) offer moral messages to citizens. In his introductory discussion of this topic, Levine argues that legislators are bound by the demands of *lifne iver* and therefore cannot pass laws that will “inherently generate settings for veiled misconduct.” In chapter five, Levine elaborates on this theme and discusses some specific policy issues relevant to its implementation, including health care subsidies and educational vouchers. Moreover, Levine suggests that any legislation under consideration should be evaluated in light of its moral impact upon society.

In asserting that a society’s government and the laws it passes help shape the moral character of its citizens, Levine highlights the crucial role of public policy in every society. Why, then, does Levine restrict the scope of his discussion to the “Torah society”? Should not halakhically sensitive Jews be concerned with the moral climate of whatever society
they live in, including secular societies? Such concern ought to emanate from both self-interest in the moral environment that surrounds the Jewish community as well as a general interest in the moral health of the world. Levine’s discussions and similar ones might be thought to play a role in a broader discourse over policy questions in our societies and the role Orthodox Jews might play in policy debates.

In considering whether the halakhic community might engage in policy discussions relevant to general society and even advocate the adoption of particular positions as opposed to others, we may consider the value, if any, of studying contemporary policy issues from a halakhic perspective and formulating Torah positions on those issues. The value of such projects can be viewed from two perspectives: internal to the halakhic community, and external, or benefiting society at large. The internal value may first be discovered in the creative energy that challenging contemporary issues can bring to Torah study, broadly conceived. New issues and questions offer the opportunity for re-examination of classic concepts and methods of analysis. Modern public policy questions offer the same opportunity as cutting-edge technology questions for the halakhic process to grow and remain a vibrant enterprise. A second value such study offers the observant community is one to expand its vision of itself and the society around it, as well as provide new avenues of meaningful and beneficial integration with society at large. Many communal structures and strictures naturally isolate the religious community from its secular and non-Jewish neighbors. For most people the only fora of regular contact with these other segments of society are in their offices and markets. Such isolation can give rise to harmful misunderstandings and miscommunication between communities, as well as to an inertia of viewing all matters from a narrow perspective of self-interest.

The Modern Orthodox community is distinguishable from the “right wing” Orthodox community in its attitude toward “secular” knowledge and institutions. Its professed belief is one that champions a unified theory of life. All that we study and all our actions can be vested with some innate spiritual content that can further our relationship with God and perfect our service of Him. In the world of education this is most clearly presented in the theory of Torah uMada. Once leaving the academy, however, finding a clear articulation and program of action is more difficult. One possibility is that the appropriate animating principle to construct post-graduate life around, is that of tikkun olam.

Whether or not there is an affirmative mandate to work for the
betterment of the world and of society at large may be the subject of debate. Until recently, the central preoccupation of Jewish communities, including the American community, was centered on survival and building its own necessary infrastructure of synagogues and schools. The notion of the observant community wielding political influence was first laughable and second, impractical. Nonetheless, American Jewry (including the Orthodox community) is now in a position to influence general society on a variety of levels and, one may argue, capable of devoting resources to such a project.

Acting in the realm of politics, defined as both government institutions and non-government institutions such as local civic and communal organizations, the observant community has much to gain in terms of self-interest and broader idealistic goals. If for no other reason, it is in the self-interest of the observant community to engage in political action in order to protect itself. Politics is about the distribution of resources and rights; a group that opts out of the political process throws its lot to the wind and remains at the mercy of others. The next aspect of self-interest lies in the recognition of the fact that our community is influenced by the moral environment that surrounds us. A healthier moral environment will make it easier for us to pursue our moral goals and raise our children to follow in the path we desire for them. Lastly, we may consider it a matter of self-interest that involvement in political and civic activities may open the opportunity for contacts and dialogue with unaffiliated or non-observant Jews in a forum that offers new opportunities for us to reach out and possibly bring such Jews back to Torah in a manner that traditional outreach programs cannot. Such motivations and interests ought to be sufficient to motivate our community to pursue a program of tikkun olam, but there are more idealistic reasons to engage in such activities as well.

One might argue that there is an affirmative mandate (hiyyuv) to work for tikkun olam, that we are to use our abilities and influence to bring about a world in which behavior comes closer to halakhically desirable practices. This responsibility may flow from the notion expressed in Shabbat 54b, where the Talmud states that one who has the ability to rebuke his family, his town, or the entire world and does not, is responsible for their wrongdoing; all the more would one be responsible if he could influence their behavior more consistently. It may flow from an understanding of Jewish responsibility for advancing the observance by non-Jews of the seven Noahide laws. Whether such responsibility is determined to be a mandate or merely a beneficial goal.
(kiyyum), a determination which may shape the extent of energy and resources brought to bear on such projects, the recognition of this responsibility agitates for communal action to pursue such projects. However, there is another “idealistic” reason for the Modern Orthodox community to engage in a program of tikkun olam: it is necessitated by our community’s professed philosophy. The claim of the Modern Orthodox community is that its distinguishing feature, as mentioned above, is its wholistic vision of modern life. Unlike those who see religious activity defined and detailed only in the Shulhan Arukh, the Centrist community claims to reject any compartmentalization of an individual’s life. One’s study of secular knowledge, professional activities, and leisure activities are all to serve the goal of creating an integrated existence. The concept of tikkun olam provides a definitional framework for this goal in the professional and social contexts. The work of the social scientist, the psychotherapist, and the attorney fit more coherently into the integrated framework if viewed through this lens, as do other aspects of engagement with secular society. It is as devoted to this project that we may understand Professor Levine’s book. It offers helpful comparative analyses of Jewish and American law on a range of issues, offering the observant community a guide as to what it should vote or advocate for when it seeks to improve society around it. In this light, the book has a more ambitious and meaningful mission, one that relates to our community in a very real way.

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1. Levine’s earlier works are Free Enterprise and Jewish Law (Ktav, 1980) and Jewish Law and Economics (Ktav, 1987).
5. This debate was most recently joined in the sixth conference of The Orthodox Forum; papers produced for that conference, including the author’s, will be forthcoming. Manuscripts are presently on file with the author.
7. Such an argument was made from this text by Rav Aharon Lichtenstein in a 1992 lecture at Yeshiva University, “The Interface of Torah and Politics.” Audio tape on file with the author.
Most will agree that the massive return of the Jewish nation to Israel over the past 100 years or so has turned the country into a “Jewish state.” What remains under dispute is what exactly is meant by the adjective “Jewish.” Jews make up over 80% of the population in Israel, but does this reflect the country’s religious character? Much religious legislation has been passed in the Knesset, but how much of an effect does it have on the individual’s lifestyle? While hundreds of yeshivot have sprung up, the overwhelming majority of Israeli children get a totally secular education. In the face of such religious polarization, how do members of the religiously heterogeneous society inter-react, and what are their feelings towards each other?

These questions have been the focus of several surveys conducted since the birth of the State of Israel. The most recent one, the subject of much publicity, was conducted and published by the Guttman Institute towards the end of 1993. 2,400 Jews in 35 towns and cities were polled on 85 questions, making this one of the most extensive surveys ever conducted on the topic. The Guttman study covers not only religious observance and the relationship between observant and secular Jews, but moral values as well. The study presents the survey results according to ethnic background and respondent-defined level of observance, and draws conclusions concerning observance and values in the Israeli Jewish population.

The Avi Chai Foundation, sponsor of the study, is a private organization founded in 1984 and active in Israel and the US. The Foundation attempts to implement Rabbi A. Y. Kook’s philosophical teachings in building understanding between Jewish groups of varying religious commitment. Their activities include support of educational projects in diverse sectors ranging from kibbutzim to absorption centers for Russian olim. The Avi Chai award was established last year to acknowledge efforts made in Israel to increase mutual understanding among Jews.

The authors of the report have applied statistical analysis tools to
their results. Some of these tools are quite new and are explained in the text or footnotes. However, the usual uncertainty ranges, provided as part of most popular poll results, are not given. For Shabbat and kashrut observance, the authors use scales based on a series of mitsvot which tend to be observed less as religious observance decreases. In Shabbat observance, for example, morning prayers in the synagogue are the first to “go,” with candle-lighting the last.

Results are compared with those of previous studies, and a general stability in the various areas of observance is evident. Thus, the reader acquainted with Israeli society will find few surprises in the area of mitsva observance. He may, however, be surprised by the widespread observance of kashrut. This cannot be explained solely by the unavailability of non-kosher food, as the majority of Israelis keep kashrut abroad too. Strong traditional ties with this practice may account for its popularity. Kashrut observance among second generation Israelis, whether Sephardim or Ashkenazim, remains similar to that of their parents. The same phenomenon is reported in the observance of positive mitsvot such as lighting Shabbat candles and placing mezuzot on the posts of all doors in the house—not merely at the entrance, as generally done.

The reported levels of positive mitsva observance are in some cases most impressive: over two-thirds of Israelis participate regularly in a traditional Pesach seder, and most families light Shabbat candles on time with the required blessing. Suprisingly, some beliefs, such as “Torah from Mount Sinai,” are accepted by almost three-quarters of the population.

One might question the usefulness of levels of mitsva observance as measures of religiosity. The authors of the study are well aware of this difficulty and have categorized the subjects of the study according to their declared level of observance. However, even this method is not totally reliable; 17% of those self-deemed strictly observant occasionally use electricity on Shabbat and 2% of the “not at all observant” never do so. Defining levels of “Jewishness” is a particularly shaky enterprise in view of the fact that 88% of the population agrees that “a person can be a good Jew even if he does not observe Jewish tradition.”

Little consideration has been given to motivation for mitsva observance. This would be of interest mainly regarding the less observant who keep many of the positive mitsvot. The fact that three-quarters believe that “good deeds are rewarded” may help explain why many positive mitsvot are widely observed. On the other hand, since over two-thirds believe that “bad deeds are punished” and 40% of those who
are not strictly Shabbat observant sometimes feel uncomfortable when transgressing Shabbat (thus recognizing that their action is wrong), it is clear that reward and punishment are not necessarily strong motivators. The sense of security afforded by the mitzva is another possible motive for mitzva observance. 74% of those surveyed either are sure or think that a mezuzah protects the house (90% among Sepharadim); this explains why 72% of Israelis have mezuzot on the posts of all their doors as required. One government minister reports that he always takes his tallit and tefillin along on trips for protection, even though he does not pray; clearly, this motive operates beyond traditional halakha!

In attempting to comprehend the religious level of Jewish Israeli society through this study, we must bear in mind the purpose of the study. The study’s abstract and conclusions demonstrate the great concern of the Avi Chai Foundation, the study’s sponsor, about fostering Jewish mutual understanding. Great effort was made to show that religious polarization in Israeli society is a myth. For example, four possible answers were given in the question, “To what extent do you believe . . . there is a God?”: “Believe completely,” “Doubt but sometimes believe,” “Believe but sometimes doubt,” and “Don’t believe at all.” In summaries, the two “doubt” categories are consolidated, but probably would have less members had they been presented as a single question, with the first category (“Believe completely”) not so limited. Two groups situated at social-religious extremes have been left out or underrepresented, according to Dr. Shlomit Levy of the Guttman Institute, as a result of technical difficulties. These are the kibbutz population, with a generally low observance rate, and the non-Zionist Ultra-Orthodox (Haredi lo-Zioni), who constitute only 2% of the sampled population but actually are at least double that. But the polarization myth is effectively dispelled by the fact that an overwhelming majority of the population keeps a significant portion of the positive commandments and often refrains from transgressing negative commandments in areas such as Shabbat, holidays and kashrut.

The study shows convincingly that polarization is totally absent on the social level. At the two extremes, about two-thirds of the strictly observant and totally unobservant are willing to live with neighbors differing in their levels of observance, while the public belief is that only 20% are willing to do so. Over two-thirds think that religious/irreligious relationships are poor, while in fact only one-third of the totally unobservant and 20% of the strictly observant have negative feelings toward the religious and irreligious, respectively. This fact, coupled with
the widespread common denominator of traditional observance, constitutes a basis for future rapprochement between dati and "secular" Jews.

Contrary to common belief, the totally irreligious are in some ways more extreme than the strictly observant. To the question on which of the religious and irreligious communities has to give in to whom in the public domain, only one-fifth of the strictly observant answered "irreligious to the religious," while 32% of the totally irreligious answered "religious to the irreligious." On the question of changing the status quo on (public) religious issues, 78% of the irreligious are for change (in their favor), while only 56% of the strictly religious support change.

Israel is central to a large majority of the population, as 93% see living in Israel as an important guiding principle in their lives. 77% believe that without the State of Israel, the Jewish nation could not continue to exist. Understandably, a study on the controversial topic of Jewishness and religiosity, especially one as unique in scope and comprehensiveness as this one, will bring a flood of responses. In some Israeli newspapers, more than one article was published about the report. In some ways the responses are even more revealing (not statistically, of course!) than the report itself. Realizing the importance of the press's and academia's reaction to the report they sponsored, the Avi Chai Foundation has circulated a collection of essays, newspaper articles, and radio and TV transcripts, all translated into English.

From the Avi Chai collection and other reviews, we can identify a number of critical points in the study which call for attention. The most extreme response, received from both ends of the spectrum, is doubt of the validity of the study's results. This is consistent with the common tendency to overestimate the size of the religious faction to which one belongs. The most marked result in line with this phenomenon is that most people believe that at least half of the population have mitsva observance levels similar to their own. Half of the totally non-observant think that most of the population is like them, while in reality they actually constitute only a fifth.

As in all complex pictures, viewers tend to see what they believe or would like to believe. Two Yedioth columnists2,3 blatantly dismissed the study's findings, one of them3 with tasteless ridicule. Religious newspapers have celebrated the high observance rates reported but ignored the statistics indicating that the majority supports the separation of church and state and the drafting of yeshiva students.

An important point noted by Rabbi Dr. Daniel Tropper, who
heads the Gesher movement in Israel, is the correlation between non-observance and formal secular education. The percentage of low and non-observance among subjects with a full university education is almost double that of the total population. The result is disproportionately secular media which create the impression of “religion and tradition being the lot of the uneducated.” The traditional character of the nation is also compromised by the presence of the educated at points of influence.

*US News* has recently conducted a similar poll among the general American public. While the questions asked were not identical to those in the Guttman study, their results show a country more religious than Israel. Half of Americans go to services at least almost every week, while about a quarter of Israelis do so. 95% in the *US News* poll believe in God, while in Israel 77% are believers. In making comparisons, we should remember that the “Nation Under God” is considered by some to be the most religious of the Western democracies and that Christianity demands much less commitment than Orthodox Judaism.

The impressive Guttman report has shed much light on the religious and social structure of Jewish-Israeli society by means of a very detailed questionnaire. This study is a modern illustration of the Midrash (*Berakhot* 57a) that says, “Even the empty of you (Israel) are filled with mitsvot like a pomegranate.” While responses to a number of the questions have received considerable coverage, much interesting and useful information which was generally not reported in the media can be found in the report. Among these are respondents’ feelings towards various social groups, guiding principles in life, and religiosity of cities. The results should interest people ranging from *kiruv* workers to Judaica dealers and, of course, those with a general concern for the nation. But it must be borne in mind that even as complex an investigation as the Guttman study will always leave much of the soul an enigma.

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Reviewed by
Deborah E. Lipstadt

When students study the history of the Shoa, they often ask whether there is something about Germans that predisposed them to participate in—or at the very least accede to—the Third Reich's persecution of the Jews. Many of them perceive pre-Nazi Germany as a country not unlike the United States into whose midst came a terrible and unprecedented whirlwind. Their quandary is enhanced by their perception that German Jews were so completely assimilated into German society that the persecution they faced following Hitler's ascent to power in January 1933 was a complete shock to them. Even those who know that most Jews in Germany did not have complete citizenship until the latter decades of the nineteenth century still perceive German Jewry as a community that was fully integrated into the surrounding non-Jewish society.

That this perception is both reality—Jews in Germany enjoyed far more professional and personal opportunities than Jews in most other European countries—and myth—antisemitism was alive, well, and actively functioning long before the Nazis came to power—is illustrated by Dietz Bering's The Stigma of Names: Antisemitism in German Daily Life, 1812-1933. This book, which contains both fascinating and painful information, demonstrates that even though Jews had great access to much of German society, there was an ingrained hostility towards them which permeated much of German society, including its bureaucratic infrastructure. Bering examines Jewish attempts to adopt less Jewish names and the way antisemites used ditties, jokes, and barbs—all of which were based on Jewish names—to ridicule and humiliate Jews. His investigation of the struggle over Jewish names is especially revealing because by the end of the nineteenth century, names were the one remaining marker to differentiate Jews from non-Jews. A partial explanation of how the Nazis were able to convince so many Germans to join them in their violent path is to be found in the German response to Jews' attempts to change their names. Prior to 1933, any doubts harbored by the Nazis as to whether a good segment of the populace would accept their antisemitic propaganda should have been set aside by the
German attitude towards Jews’ attempts to de-Judaicize their names.

It is in both the Jews’ explanations of why they wished to change their names and the response by the officials who had to rule on their requests that the face of antisemitism in the broader society becomes particularly clear. The book makes two important contributions. It demonstrates how extensively antisemitism permeated so much of German society, and reveals how German Jews internalized that antisemitism. They came to believe the antsemites’ charges were valid and that Judaism inculcated in its adherents the most vile of traits.

Forced to take surnames in 1812 as part of the process of political emancipation, the Jews of Prussia found that their choice of names would have a dramatic impact not only on them, but on the generations that would follow them. On the surface, it appeared that the Edict of Emancipation was designed to allow [force?] Jews to merge with the majority. However, the gates of the ghetto had been opened only half-heartedly, as was demonstrated by German responses to Jews’ request for certain name changes. Many Jews who abandoned all distinctive Jewish customs and observances found themselves imprisoned in a ghetto of names. From the outset, authorities had the right to prevent Jews from choosing certain names. Among the names that they were not allowed to take—either as first names or as family names—were those that were too distinctly Christian. The walls of the ghetto were eventually reinforced by the pseudo-sciences of eugenics and social Darwinism. Both argued that Jews were a race that was inferior and yet cunning, worthless and yet possessing the ability to cause fundamental harm to the Christian majority.

Jews were not only forbidden to choose “non-Jewish” names. Their names became a source of ridicule and even abuse. The use of Jewish names to humiliate Jews differed from other forms of antisemitic attacks. The assault on Jewish names did not require abusive verbal or physical aggression. The point that the Jew was outside the boundaries of greater society could be made with a joke or a ditty. The pain of such attacks was intensified by the fact that someone not sensitive to the more complex aspects of this issue might perceive of the attack as quite benign, when fact it was quite vicious. The victims were not only ridiculed, but if they protested, they were accused of “overreacting.” [Jewish women who have come to recognize the antisemitic and sexist nature of JAP jokes suffer the same fate. When a Jewish woman protests against such jokes, she is ridiculed for “being too sensitive” and “not being able to take a joke.” The women’s reactions are then used by the
joke teller—who is generally a male and a Jew—as a means of proving the joke's validity, e.g. "You see, Jewish women are uptight."]

The liabilities Jews suffered because of their names were often quite real. Jews were ostracized by colleagues, belittled by teachers, harassed by their commanding officers, and shunned by customers. But it was not only Jews who believed that certain Jewish names bore a stigma: Christians did as well. The authorities demonstrated a double standard when it came to name changes. When Christians who had Jewish names petitioned for a change of name, the authorities granted it because they observed that for a member of an old Christian family to bear such as name "can neither be agreeable to him nor recommend him" to his fellow Christians. When Jews requested permission to change their names, they were subjected to a different response. Even if they could prove that customers refused to shop in their stores or that well-deserved promotions were denied them, their requests for a name change were generally rejected by the authorities. Officials repeatedly justified their refusal by claiming that the Jews' request for new names was an expression of the typically Jewish (i.e., un-German) desire for an easier way to earn a living. As Bering notes, German authorities saw no contradiction in admitting that Jewish names were a hindrance when Christians bore them and refusing to change them when Jews bore them.

Bering correctly interprets the German opposition to Jews' adopting Christian names as an example of the perceived threat presented by Jews to Germans. If a Jew adopted a Christian name, he or she might not be easily perceived as a Jew. Christians would then have a more difficult time protecting themselves from the dangers posed by the Jew. Decades later, the National Socialists would echo this theme when they warned "Aryans" that the assimilated Jew presented a greater threat than the Jew who could easily be identified by his or her dress, language and ritual practice. Even conversion did not provide Jews with an egress from these disabilities. Christians of "Jewish origin" found that their applications for a change of name were often rejected if the change completely obliterated their Jewish origins.

The story this book has to tell is both revealing and sad. It provides an important piece of the puzzle which so many people still find inexplicable: why was the German population so willing to accept the antisemitic ravings of the National Socialists? The Stigma of Names demonstrates how deeply antisemitism permeated popular German culture. But for these building blocks, Nazi antisemitic actions might not have had the foundation they needed to create that which we have now
come to call the Holocaust. It is an important book; the fact that it is so poorly translated and is at times tedious reading, is therefore all the more regrettable.

It was not only in the realm of names that antisemitic charges shaped Jews' self-perception. Doctors and scientists, including those with the most highly recognized international reputations, promulgated scientific theories which supported the notion that Jews were inherently different. Emancipation and the so-called enlightenment made it impossible to posit that Jews should be mistreated for the act of deicide. Political and economic explanations were now used to justify the argument that Jews were predisposed to certain pathological behaviors. Science was drafted for the effort. Not only was science not free of antisemitism, but it often became the means for its dissemination. Jews were determined to have particular physical, mental and emotional traits which were a threat to the surrounding non-Jewish world. Apart from the physical persecution suffered by Jews, one of the most disastrous effects of antisemitism was the degree to which Jews internalized these charges and believed them to be true. Some Jews accepted the notion that there was something which made them essentially different from non-Jews. The antisemitic aspects of scientific inquiry were particularly dangerous because science presented itself as inherently neutral and rational. It therefore claimed for itself a special validity.

The Jewish scientist, who had only been admitted to his profession because of emancipation, felt compelled to address the scientific charges regarding these differences. Even those who rejected the notion that Jews were different had to respond to these arguments in some fashion. In *The Case of Sigmund Freud: Medicine and Identity at the Fin de Siecle*, Sander Gilman argues that Freud crafted much of his scientific theory regarding the universal definition of a human being in a way that allowed him to circumvent the discussion regarding race. Gilman argues that the biology of race stood at the center of the "science of man," which included biology, medicine, and anthropology, as it emerged during the nineteenth century. Those who considered themselves scientists could not avoid the issue of race. Jewish scientists had to respond in some fashion to science's claims of Jews' inferiority. Gilman explores the way that scientists dealt with these charges. Some actually accepted them as true and worked them into their own findings. Others reacted quite differently.

Gilman pays particular attention to Freud's attempt to react positively to the bind of race and science. According to Freud, who refused to renounce his Jewish identity and association with the Jewish commu-
nity, every therapist must attempt to reach a state of strict neutrality by mastering countertransference. Analysts had to maintain a fixed boundary between themselves and their patients. None of the analysts' personal characteristics were to inject themselves into the analysis. According to Gilman, Freud fixated on this aspect of the psychoanalytical relationship as a means of responding to the charge that Jews were physically and emotionally different from non-Jews. Had Freud believed that the analyst could not be a strictly neutral listener, he would have had to address the charges that the Jewish scientist bore, as did every other Jew, particular traits which shaped his character and biological makeup. He would have had to demonstrate how these traits did not affect the analytical relationship. Instead, he crafted this theory of the strict neutrality of the analyst.

Both of these works demonstrate that antisemitism of the 19th and early 20th centuries had a deep-seated and far-reaching impact not only on Germany's Jews and non-Jews, but on modernity at large. Though designed for the specialist, they will be of interest to the educated layman. Both demonstrate in a stark and disturbing fashion that the Shoa did not emerge de novo. Without the 19th- and early 20th-century responses to Jews illustrated here, it is unlikely that the National Socialists would have been able to craft their regime of terror.

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