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Shylock in Transylvania: Anti-Semitism and the Law in East Central Europe

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JEWES AND GENTILES IN SHAKESPEARE'S EUROPE

SHAKESPEARE WROTE *The Merchant of Venice* in the last decade of the sixteenth century. At the time, only small numbers of Jews lived in England following the wholesale expulsion of the country's Jewish population in 1290. This mass expulsion, or 'ethnic cleansing' as we would now label it, had been the culmination of a period in which England's Jews were subject to pogroms, false accusations and multiple, judicially-sanctioned executions, while their assets were progressively appropriated by the Crown in a process that was as cynical as it was rapacious.¹

In Shakespeare's time, most of the Jews living in London were *Marranos*. Descendants of Spanish and Portuguese Jews who had been forcibly converted to Christianity, many *Marranos* continued to practice Judaism in the privacy of their homes.² However, the position of Jews in late sixteenth century England, whether Christian converts or not, was precarious. In 1609, little more than a decade after *The Merchant of Venice* was written, 'Portuguese merchants in London who were suspected of Judaizing ... were expelled from the country'.³ In 1593–94, as

* All translations from Hungarian and French, unless indicated to the contrary, are by the author. I am grateful to Dr Paul Raffield for his helpful comments on an earlier draft of this chapter and to the British Academy for a grant that enabled me to undertake research in Hungary and Transylvanian Romania.

¹ Cecil Roth, *A History of the Jews* (rev edn, New York, Schocken Books, 1970) 207–9.

² See, generally, on the *Marranos*, or 'new Christians', LP Gartner, *History of the Jews in Modern Times* (Oxford, Oxford University Press, 2001) 12–17.

³ Roth, n 1 above, at 301.

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Shakespeare and his audiences would have been aware, Dr Roderigo Lopez, a Jewish physician who had treated Queen Elizabeth I, was arrested, tortured and executed, 'the victim of a notorious anti-Semitic witch-hunt and treason trial'.⁴ Although the actual number of Jews in late sixteenth and early seventeenth century England was modest, the country's fledgling Jewish population was viewed through the prism of entrenched anti-Semitic stereotypes:⁵

There were only a couple of hundred [Jews], but their small number bore no relation to the threatening aura that attached to them—the product of a long history of anti-Semitism in England going back to the blood libels of the Middle Ages.

In his history of anti-Semitism, Léon Poliakov emphasises that anti-Jewish feeling flourished in England despite the virtual absence of Jews: 'leur fantôme continuait à troubler les imaginations longtemps après leur départ'.⁶ After the wholesale expulsion of the Jewish community from Spain, in 1492, Henry VII of England denied exiles the right to settle in his dominions.⁷

Unlike England, Spain or Portugal, Venice did not expel its Jewish community. The notional setting for *The Merchant*, Venice, had been an important hub of trade since the early Middle Ages. Nevertheless, despite their acknowledged commercial usefulness to the city state, Jews were subject to numerous restrictions and legal disabilities, including the requirement to pay special taxes. In the early sixteenth century, Venice's Jews were required to move to a specially-constructed ghetto.⁸ All windows that looked outwards were blocked up, while Jews were only permitted to quit the new ghetto during the day in order to earn their living.⁹ The cost of leasing the ghetto and of hiring Christian guards to patrol its perimeter, to prevent Jews from leaving during the hours of curfew, was borne by the Jewish community itself.¹⁰

Whatever Shakespeare's personal views may have been concerning Jews, either individually or collectively, it is evident that, '[l]ike all English people of his age, Shakespeare was brought up in an anti-Semitic culture'.¹¹ To varying degrees and in various forms anti-Semitism was an integral feature of the intellectual and moral landscape of medieval and renaissance Europe, including that of England.¹² As Sir John Hale notes, in his history of Renaissance Europe, Jews were

⁴ Paul Johnson, *A History of the Jews* (London, Phoenix, 1995) 276.

⁵ Michael Wood, *In Search of Shakespeare* (London, BBC Books, 2005) 221.

⁶ Léon Poliakov, *Histoire de l'antisémitisme* (Paris, Calmann-Lévy, 1981) vol 1, 353.

⁷ *Ibid.*

⁸ Roth, n 1 above, at 273.

⁹ Johnson, , n 4 above, at 235.

¹⁰ *Ibid.*

¹¹ Wood, n 5 above, at 221.

¹² See generally, Friedrich Heer, *The Medieval World* (J Sondheimer (trans), London, Weidenfeld and Nicolson, 1993) ch 13; John Hale, *The Civilization of Europe in the Renaissance* (New York, Atheneum and Maxwell, Macmillan International, 1994) 167–9.

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routinely ‘rounded on as scapegoats when wars went wrong or when food shortages pushed prices sky-high’.¹³ At such times, ‘preachers called for vengeance upon the crucifiers’.¹⁴

The religious, ie *Christian*, component of medieval and sixteenth century anti-Semitic discourse was pronounced. The Catholic Church’s fourth Lateran Council adopted a decree in 1215 requiring Jews to wear a form of dress that clearly distinguished them from Christians. The consequences of this enforced physical differentiation were all too predictable: ‘The distinctive yellow patch, horned cap and other emblems of Cain invited the hostility of those who saw the Jews as the “murderers of Christ”’.¹⁵

Religious reformers of the sixteenth century, including Martin Luther and numerous followers of Calvin, were no less robust in their opinions concerning Jews.¹⁶ In the latter years of his life, Luther exhibited an almost pathological hatred of the Jewish faith and its adherents.¹⁷ In 1543, Luther published a lengthy pamphlet entitled *Against the Jews and their Lies* in which he called for a number of radical steps to be taken against them:¹⁸

First, that their synagogues be burned down, and that all who are able toss in sulphur and pitch ... Second, that all their books, *their prayer books, their Talmudic writings, also the entire Bible*, be taken from them, not leaving them one leaf ... Third, that they be forbidden on pain of death to praise God, to give thanks, to pray, and to teach publicly among us and in our country.

As emphasised above, English society in the second half of the sixteenth century, like the countries of continental Europe, was permeated by anti-Semitism. The audiences that attended the first productions of *The Merchant of Venice* in the 1590s, as Shakespeare would have been well aware, were intimately familiar with the image of the Jew as usurer, as miser and as Christ-killer.¹⁹

¹³ Hale, n 12 above, at 168.

¹⁴ *Ibid.*

¹⁵ Heer, n 12 above, at 255.

¹⁶ Hale, n 12 above, at 168–9.

¹⁷ Poliakov, n 6 above, vol 1, at 364–73.

¹⁸ Martin Luther, *Against the Jews and their Lies*: available at www.humanitas-international.org/showcase/chronology/documents/luther-jews.htm

¹⁹ Of course, Christians in England, as in Europe more generally, were sharply divided in their loyalties and beliefs in the late sixteenth and seventeenth centuries. As Norman Davies observes: ‘Religious discrimination was the norm in early modern Europe. England was no exception’: Norman Davies, *The Isles: a History* (London, Papermac, 2000) 604. Catholic enmity towards Protestantism was mirrored by Protestant detestation of Catholicism. The grisly execution of ‘heretics’ became a well-established practice in Tudor England as in various parts of continental Europe, along with the wilful destruction of religious artworks that were deemed ‘ungodly’. Hale, n 12 above, at 460–3.

4 *István Pogány*POPULAR CONSTRUCTIONS OF THE JEW IN *THE MERCHANT OF VENICE*

Whether *The Merchant of Venice* should be read as an anti-Semitic or as a philo-Semitic text has aroused considerable interest and speculation. In his recent book, *In Search of Shakespeare*, Michael Wood poses the following question:²⁰

is it anti-Semitic? Some characters support the removal of strangers, but others reject it. Perhaps such theatrical conflict was what he [Shakespeare] was aiming for. But then again, this was drama written for a popular audience, and Shakespeare typically harnessed the dramatic excitement of anti-alien feelings.

However, as Wood acknowledges elsewhere in the same book, Jews in Shakespeare's day were not merely hated or despised because they were 'alien'. Jews were not analogous to the Dutch, the Danes or the Portuguese in the popular imagination. Jews represented a distinct and particularly egregious category of 'foreigner', one that continued to reject Christ and which had been collectively complicit in his death. Jews were also widely detested because of their association with the practice of usury. In a general and rather diffuse sense, English society in the latter part of the sixteenth century was 'anti-alien'. However, the English society of that time was also unabashedly anti-Semitic, with Jews understood in terms of a series of well-worn negative stereotypes that find ample expression in *The Merchant of Venice*.

Various commentators have noted that Shakespeare sometimes reflected the 'prevailing view' of Jews in his plays, 'using the word "Jew" as an oath in jokes that suggest the deprecating attitude to them that was part of normal Christian speech'.²¹ It is this 'prevailing view' of Jews in late sixteenth century England and the notion of 'normal Christian speech' that are of particular interest here, a 'normality' that, at least in the experience of the author, survived pretty much intact in 1960s England.²² By contrast, this chapter is not directly concerned with the question of Shakespeare's personal beliefs concerning Jews or anti-Semitism as reflected in *The Merchant of Venice*. Such matters, however tantalising, are best left to specialist literary scholars.

²⁰ Wood, n 5 above, at 221–2.

²¹ *Ibid* 221.

²² In the mid 1960s, as I well recall, middle and upper middle class grammar school boys of my acquaintance, in a mostly affluent part of Cheshire, routinely used the term 'Jew' to denote meanness a mere 20 years after the Holocaust, a subject never broached at school. A 'Jew's arse', another expression then in use, referred to the tip of a cigarette that had become unpleasantly moist due to an excess of saliva. The popular image of the Jew as mean, avaricious and cowardly, depicted in *The Merchant of Venice* in late sixteenth century England, had survived intact over the course of four centuries.

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Shakespeare's intent in *The Merchant of Venice* may have been subversive: to challenge and subvert the anti-Semitic stereotypes of his day. As Jonathan Bate points out, the Christians in the play are 'no better' than the Jews while Shylock, the Jewish money-lender, is a complex figure, 'one of the most memorable characters in all literature'.²³ Peter Ackroyd's assessment of Shylock is eloquent and astute:²⁴

he [Shylock] could never become a caricature; he is too filled with life and spirit, too linguistically resourceful, to be conventionalised. He is altogether too powerful and perplexing a figure. It is almost as if Shakespeare fully intended to create a character drawing upon conventional prejudices about an alien race, but found that he was unable to sympathise with such a figure. He simply could not write a stereotype ... That is why he [Shylock] is perhaps, like so many of Shakespeare's principal figures, beyond interpretation. He is beyond good and evil. He is simply a magnificent and extravagant stage representation.

Whatever Shakespeare's aims in the play may have been, or his personal views (if any) regarding Jews and their faith, it is clear that many of the characters in *The Merchant of Venice* express conventional, anti-Semitic sentiments of the type that would have been commonplace in the England of the late sixteenth century. Whether we consider the observation of the merchant, Antonio, in Act 1 scene 3: 'The Hebrew will turn Christian, he grows kind', or his comment in Act 4 scene 1: 'You may as well do anything most hard / As seek to soften that—than which what's harder? / His Jewish heart', the play expresses the popular view of Jews as callous and vindictive. Gratiano's warm and appreciative comments about Jessica, Shylock's daughter, in Act 2 scene 6: 'Now by my hood a gentle and no Jew!' evokes the widespread identification of Jews with ignoble feelings and behaviour. In a lighter vein, for this was an era in which anti-Semitism fuelled humour as well as drama, Shylock's servant, Launcelot Gobbo, rounds on his father, in Act 2 scene 2, for bringing Shylock a present: 'My master's a very Jew. Give him a present? Give him a halter! I am famished in his service; you may tell every finger I have with my ribs'. The Jew as miser, unwilling to deal fairly, let alone generously, with those around him is yet another familiar anti-Semitic libel that finds expression in the play.

While Shakespeare *may* have been encouraging his audience to revise their anti-Semitic prejudices, *The Merchant of Venice* presents us with copious evidence as to what those prejudices were. The play represents a window onto English society in the late sixteenth century, a society in which antipathy towards Jews and their faith was casual, unthinking and almost universal.

In itself, there is nothing particularly surprising in the fact that Shakespeare's England should have been steeped in anti-Jewish stereotypes. Rather, it is the

²³ Jonathan Bate, *The Genius of Shakespeare* (London, Picador, 1998) 127.

²⁴ Peter Ackroyd, *Shakespeare: the Biography* (London, Vintage Books, 2006) 272.

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survival, growth and mutation of anti-Semitic prejudices, over the course of succeeding centuries, which should give us pause for thought. The history of Europe's Jews should on no account be understood as an uninflected narrative of marginalisation, discrimination, ghetto-isation and expulsion, culminating in the genocide unleashed during the Second World War. However, neither should we lose sight of the fact that the legal emancipation of most of Europe's Jews, in the nineteenth century, was followed by a resurgence of anti-Semitism across much of the continent.²⁵ Unlike the mostly religious Jew-hatred of the late Middle Ages and the renaissance, anti-Semitism in the late nineteenth and early twentieth centuries was, for the most part, predominantly secular in character, a product of the new nationalist discourse that frequently labelled Jews as antithetical to the 'nation'.²⁶ In addition, secular anti-Semitism had its roots in the perception, especially strong in East Central and Eastern Europe, that Jews were the agents and principal beneficiaries of unwelcome socio-economic changes that threatened traditional, agrarian cultures.²⁷ After the passage of emancipation laws that granted Jews full legal equality, including access to the professions and to posts in the public administration, anti-Semitism also fed on the fears of entrenched economic interest-groups who feared new and unwelcome competition.²⁸

In the increasingly chauvinistic political climate of inter-war Europe, *The Merchant of Venice* was seized upon by anti-Semitic regimes and their supporters who used the play as a crude ideological tool. *The Merchant* was staged no fewer than 20 times in Germany in 1933, the year in which Hitler came to power.²⁹ In the next five years, German theatres mounted the play on more than 30 occasions, while further productions of *The Merchant* were put on during the war. The ambivalence that lies at the heart of Shakespeare's art, perhaps of all great art, was eschewed in favour of crude anti-Semitic stereotypes. Rather than serving as a vehicle for the exposure of European hypocrisy, racism and anti-Semitism, *The Merchant of Venice* became an adjunct to the Nazi propaganda arsenal, irrevocably tainting the play in the eyes of many of the continent's surviving Jews and of numerous anti-Nazis.

²⁵ Gartner, n 2 above, at 217–38.

²⁶ Eric Hobsbawm, *Nations and Nationalism since 1780* (2nd edn, Cambridge, Cambridge University Press, 1992) 105. See also, HM Sachar, *The Course of Modern Jewish History* (rev edn, New York, Vintage Books, 1900) 256.

²⁷ P Pulzer, *The Rise of Political Anti-Semitism in Germany and Austria* (rev edn, London, Peter Halban, 1988) 286.

²⁸ I Pogány, 'Poets, Revolutionaries and Shoemakers: Law and the Construction of National Identity in Central Europe during the Long 19th Century' (2007) 16 *Social and Legal Studies* 94, 105.

²⁹ Tibor Egervari, 'Shakespeare's *The Merchant of Venice* in Auschwitz' (A Léger (trans)), available at www.canadianshakespeares.ca/a_auschwitz.cfm

FROM *THE MERCHANT OF VENICE* TO THE DEATH CAMPS: JEWS, ANTI-SEMITISM AND THE LAW IN TRANSYLVANIA

Law, Anti-Semitism and Jewish Emancipation in Transylvania prior to the Second World War

Long contested by Hungary and Romania, Transylvania lies at one of Europe's crossroads. In accordance with modern practice, 'Transylvania' is to be understood as the *totality* of territories Romania gained from Hungary in the peace settlement following the First World War. These territories included part or all of the Hungarian counties of Máramaros, Szatmár, Bihar, Arad, Krassó and Temes, as well as the former Principality of Transylvania. The latter, sometimes referred to as 'historic Transylvania' in the literature, enjoyed a curious, semi-independent existence for a little over 100 years, from the middle of the sixteenth century, until its absorption into the Habsburg Empire.³⁰

Jewish settlement in Transylvania can be traced back to the fourteenth and fifteenth centuries when the region formed part of the medieval Kingdom of Hungary.³¹ Initially, the Jewish settlers were of German, or Ashkenazi, extraction. However, in the sixteenth and seventeenth centuries, increasing numbers of Sephardic Jews, originating from the Iberian Peninsula, migrated to the region. One of Transylvania's most dynamic and effective rulers, Gábor Bethlen, issued a decree in June 1623 permitting Sephardic merchants from Ottoman Turkey to settle in the town of Gyulafehérvár. Bethlen's explicit purpose, apparent from the preamble to the decree, was to utilise the skills and capacities of the Sephardic Jews, as well as of other foreign elements, to rebuild a land laid waste by war and foreign intervention.³²

Jews in Transylvania, as in much of Europe, were subject to additional taxes and to an extraordinary range of legal disabilities until as late as the middle of the nineteenth century.³³ This reflected, in part, economic opportunism on the part of cash-strapped governments and their realisation that Jews were uniquely vulnerable to such exploitation. In effect, Jews were taxed simply for being Jews. In Transylvania and Hungary, now subject to Habsburg rule, these taxes took the

³⁰ See generally, Peter Sugar, 'The Principality of Transylvania' in Peter Sugar *et al* (eds), *A History of Hungary* (Bloomington, Indiana University Press, 1994).

³¹ Moshe Carmilly-Weinberger, *A zsidóság története Erdélyben (1623–1944)* (Budapest, MTA Judaisztikai Kutatócsoport, 1995) 33.

³² For the text of the decree (in Hungarian) see *ibid* 63–6.

³³ For an overview, see e.g. Johnson, n 4 above, Part Five. Not infrequently, the authorities of states that had enacted Jewish emancipation laws chose to disregard them, allowing discrimination to continue in economic affairs and in the public sector. This prompted increasing numbers of Jews to convert to Christianity as the only sure means of social and professional advancement: *ibid* 312–13.

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form of a toleration tax from the middle of the eighteenth century.³⁴ Special taxes had been levied on Transylvania's Jews since the Middle Ages.³⁵

In addition to bearing a heavier tax burden than their Christian peers, Transylvania's Jews had to contend with far-reaching restrictions on their freedom of residence. Until the final decade of the eighteenth century, Habsburg authorities only permitted Transylvania's Jews to settle in 170 villages and in 20 of the smaller towns, aside from a 150-strong community in Gyulafehérvár.³⁶ The right of Jews to settle virtually anywhere (the royal mining towns remained off-limits) was not granted until a royal decree issued in 1790.³⁷ However, as recently as a decade earlier, Habsburg monarchs had actively supported plans to confine all of Transylvania's Jews to Gyulafehérvár and to expel any Jews who had not been resident in the former Principality for at least 30 years.³⁸ In April 1780, Transylvania's governor had warned Vienna that the number of Jews was increasing at an alarming rate and stood at 221 families.³⁹ As a result of heavy taxes and other measures, most of the region's Jews had been reduced to poverty, owning no more than a single horse or cow.

Anti-Semitism in Transylvania, as in Austria-Hungary and Romania more generally, retained a strong religious component, albeit infused with secular elements.⁴⁰ In particular, the myth of Jewish ritual murder, which had its origins in the religious Jew-hatred of the medieval era, continued to be widely accepted across much of Central and Eastern Europe as late as the final decades of the nineteenth century. More surprisingly, perhaps, such sentiments were not confined to ignorant, semi-literate peasants living in remote hamlets or villages but extended to lawyers and highly-educated public officials.⁴¹ Time and again, Jews in both Transylvania and Hungary were put on trial, accused of the ritual sacrifice of Christian children.⁴²

For example, in February 1791, the body of a 13-year-old Christian boy was found in the Transylvanian village of Szilágyipere.⁴³ Rumours began to circulate that the boy had been killed by local Jews as part of a religious rite. Following a criminal trial held in the town of Zilah (Zalău in Romanian), four Jews were sentenced to death; they were only acquitted following a lengthy appeal.⁴⁴

³⁴ Carmilly-Weinberger, n 31 above, at 137–41.

³⁵ *Ibid* 134–41.

³⁶ *Ibid* 143.

³⁷ Barna Mezey *et al*, *Magyar Alkotmány Történet* (4th rev edn, Budapest, Osiris Kiadó, 2002) 191.

³⁸ Carmilly-Weinberger, n 31 above, at 114–18.

³⁹ *Ibid* 114.

⁴⁰ On anti-Semitism and the Austrian Catholic Church, in the latter decades of the nineteenth century, see Pulzer, n 27 above, at 156–63.

⁴¹ On the medieval roots of the blood-libel against Jews, see Johnson, n 4 above, at 208–11.

⁴² From 1867 until the First World War, Hungary exercised self-government within the framework of the Austro-Hungarian Empire and was entrusted with administrative control over Transylvania.

⁴³ Carmilly-Weinberger, n 31 above, at 122.

⁴⁴ *Ibid* 123.

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In 1882, in the eastern Hungarian village of Tiszaeszlár, the disappearance of a 14-year-old Catholic girl provoked accusations that she had been ritually murdered by Jews. Fifteen Jews were charged with her murder and put on trial. The sole evidence put forward by the prosecution was the testimony of a five-year-old boy, the son of one of the accused, who was isolated from his family by the authorities, intimidated and physically abused.⁴⁵ The eventual acquittal of the accused, who had been tortured in order to elicit confessions, provoked several days of rioting by anti-Semitic crowds in Budapest.⁴⁶

In August 1901, in certain villages in Transylvania, rumours circulated once more that Jews had been responsible for the ritual murder of a local Christian girl. Endre Ady, one of Hungary's greatest poets, responded by denouncing the 'feudal' climate that allowed such superstitious nonsense to flourish. Ady, who was then working as a journalist in the city of Nagyvárad ('Oradea' in Romanian), heaped scorn on the country's practice of blaming Jews for society's ills: 'If there's trouble, here are the Jews. Hunger, poverty, all our sins, let's make ourselves feel better by blaming it all on the Jews'.⁴⁷

If *The Merchant of Venice* had been written at a time when anti-Jewish feeling was almost universal in Europe, by the latter years of the nineteenth century anti-Semitism provoked fierce intellectual and political debate, even in such comparative European backwaters as Transylvania and Hungary. The principal defence counsel at the Tiszaeszlár trial, Károly Eötvös, was one of Hungary's most prominent liberal politicians and a member of its House of Representatives. As noted above, the rumours of ritual murder in Transylvania, less than 20 years later, provoked the fiery intervention of the radical poet and journalist, Endre Ady.

At the close of the 'long' nineteenth century, anti-Semitism remained a powerful social and political tool. Transformed in the inter-war era into a central doctrine of Germany's Nazis and of fascist movements across continental Europe, it was responsible for unprecedented crimes against Europe's Jews in the Second World War. Increasingly, anti-Semitism came to be identified with conservative and reactionary voices as well as fascist and Nazi ideologies that were informed by pseudo-scientific racial theories. Peter Pulzer rightly dismisses such theories as 'anti-science ... drawing with bewildering eclecticism on biology, anthropology, theology and psychology to construct a theory of "race"'.⁴⁸ By contrast, those professing liberal, socialist, revolutionary or communist beliefs, ranging from Eötvös to Ady, no longer countenanced anti-Semitism, at least publicly.

⁴⁵ Raphael Patai, *The Jews of Hungary* (Detroit, Wayne State University Press, 1996) 349–50.

⁴⁶ *Ibid* 350, 353.

⁴⁷ The article, which first appeared in the *Nagyváradai Napló*, is reproduced in Endre Ady, *A Fekete Lobogó* (Budapest, Szépirodalmi Könyvkiadó, 1952) 131, 132.

⁴⁸ Pulzer, n 27 above, at 286.

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Law, Anti-Semitism and the Holocaust in Transylvania, 1918–45

The twentieth century witnessed a sharp escalation of anti-Semitism in the countries of Central and Eastern Europe. Economic depression and dislocation in the inter-war era, a widespread perception that liberal democracy had failed and could not offer a comprehensive solution to the deep-seated socio-economic problems and crisis of identity enveloping these societies, as well as the association of Jews, particularly in East Central and Eastern Europe, with emerging and alien capitalist structures, created fertile conditions for the rapid growth of anti-Semitism, as described by Peter Pulzer:⁴⁹

further east still [beyond Austria], where social immobility was even greater and the terms 'bourgeois' and 'Jew' for a long time almost synonymous, manufacturers as well as bankers were overwhelmingly Jewish. Where, therefore, the growth of capitalism was a process with which the majority of the population could not identify itself and where it failed thoroughly to stir the class pot, those feelings of pessimistic anger and pseudo-revolutionary conservatism, which . . . are to be associated with anti-Semitism, were bound to assert themselves. Where the financial-capitalist community was not only easily identifiable but already burdened with centuries of religious hatred, all prerequisite factors [for the growth of anti-Semitism] were present.

According to the distinguished sociologist, István Bibó, a minister in Imre Nagy's ill-fated Hungarian government in 1956, anti-Semitism, allied to a potent and characteristically Central European strain of anti-democratic nationalism, was the common denominator able to unite all classes and interest groups in Central and Eastern Europe:⁵⁰

Pour tous les individus, groupes et classes, des grandes propriétaires terriens aux petits bourgeois, des officiers aux professeurs d'histoire . . . un système antidémocratique et antisémite apparaissait comme une explication lumineuse à tous les problèmes qui se posaient, et aussi comme leur solution naturelle.

[For all individuals, groups and classes, from the owners of great estates to the petits bourgeois, from officers to history teachers...an anti-democratic and anti-Semitic belief system represented an illuminating explanation to all the problems that presented themselves, and also as their natural solution. (trans)]

If Jews had been convenient 'scapegoats' in renaissance Europe 'when wars went wrong or when food shortages pushed prices sky-high', as Sir John Hale asserts,

⁴⁹ *Ibid.* On the fragility of liberal democratic ideology in Europe during the inter-war era and in the Second World War, see Mark Mazower, *Dark Continent: Europe's Twentieth Century* (London, Penguin Books, 1999).

⁵⁰ István Bibó, *Misère des petits États de l'Europe de l'Est* (G Kassai (trans), Paris, Albin Michel, 1993) 297.

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much the same remained true almost four centuries later.⁵¹ However, in place of the preachers who had 'called for vengeance upon the crucifiers' in the sixteenth century, anti-Semitism now assumed a predominantly secular guise, albeit infused with religious elements. In accordance with these secular anti-Semitic narratives, Jews were variously perceived as a threat to the economic, social, cultural or moral wellbeing of society, or as a biological danger to the 'racial health' of the nation.

Christian clerics, as the self-appointed custodians of society's moral and spiritual values, were frequently in the vanguard of 'modern' anti-Semitic movements and campaigns, whether in Vichy France, Slovakia, Croatia or, to a more limited extent, Hungary. For example, in April 1939, Hungary's Upper House, which included several leading members of Hungary's Christian denominations, debated the proposed Second Jewish Law whose subsequent adoption led, inter alia, to the ousting of 60,000 Jewish salaried workers, professionals and unskilled personnel from their jobs and the destitution of their families. Speaking in the Upper House, the head of Hungary's Catholic Church, Cardinal Jusztinian Serédi, stated that the measures contemplated by the Bill were no more than 'legitimate national self-defence'.⁵² The Cardinal went on to accuse a section of Hungary's Jews of corrupting Hungarian society and mores:⁵³

in literature, in poetry, in the theatre, in cinema, in music and in painting [they] cast doubt on, or discredited, practically everything which is holy to Christians, including God, the saints, religious faith, the Church, marriage, the family.

Cardinal Serédi also charged a segment of Hungary's Jews with attempting to destroy 'Christian values' in the economic life of the country.⁵⁴ The Cardinal declined to elaborate on this elusive spiritual phenomenon which, in any event, was strikingly at odds with the stark economic realities of Hungarian society stripped of its Jewish influences. Jews, who undoubtedly played an important role in the industrialisation and economic modernisation of Hungary, had not been responsible for the semi-feudal economic structures that obtained in rural areas until as late as the end of the nineteenth century and which were characterised not by 'Christian values' of any recognisable kind, but by the ruthless exploitation and oppression of the impoverished rural masses by a tiny, privileged elite.⁵⁵

Bishop László Ravasz of the Reformed Church also expressed his support for the proposed Second Jewish Law during the debate in Hungary's Upper House. Bishop Ravasz lamented the fact that, 'it is not the Jews who have assimilated to

⁵¹ Hale, n 12 above, at 168.

⁵² Quoted in Istvan Pogany, *Righting Wrongs in Eastern Europe* (Manchester, Manchester University Press, 1997) 86.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ László Kontler, *A History of Hungary* (Basingstoke, Palgrave Macmillan, 2002) 304–6.

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the Hungarian spirit, but rather the Hungarian spirit which has assimilated to the Jews'.⁵⁶ The Bishop characterised the Jewish spirit as 'decadent' and 'degenerate'.⁵⁷

Following the Second Vienna Award, brokered by Hitler in August 1940, Romania was forced to cede northern and eastern Transylvania to Hungary. The territories transferred to Hungary, pursuant to the Award, amounted to well over 43,000 square kilometres with a total population of two and a half million people.⁵⁸ According to a census, conducted in 1941, there were 153,333 Jews living in areas of Transylvania now governed by Hungary.⁵⁹ In addition, 40,000 Jews were resident in southern Transylvania, which remained subject to Romanian jurisdiction.⁶⁰

As a result of the Second Vienna Award, the great majority of Transylvania's Jews, concentrated in northern and eastern Transylvania, were now subject to the anti-Jewish laws that were already in force in Hungary. These included the so-called Second Jewish Law, referred to above, which entered into force in May 1939.⁶¹ The Second Jewish Law, or 'Law on the Restriction of the Expansion of the Jews in Public Life and Economic Affairs', imposed far-reaching restrictions on the participation of Jews in the professional, economic, political, educational and cultural life of the country. For example, Jews were permitted to occupy no more than 6 per cent of places at universities and colleges, while they were excluded altogether from certain areas of professional activity concerned with the cultural or intellectual life of the country.⁶² As a direct result of the Second Jewish Law, no Jew could be the editor or publisher of a newspaper or journal. Similarly, no Jew could be the director of a theatre or of any commercial company engaged in making, distributing or selling films.⁶³ Further and severe restrictions were imposed on Jews employed in the professions or as white collar workers, while

⁵⁶ Quoted in Pogány, n 52 above, at 86.

⁵⁷ *Ibid.*

⁵⁸ Joseph Rothschild, *East Central Europe between the Two World Wars* (Seattle, University of Washington Press, 1977) 183.

⁵⁹ Gábor Barta *et al*, *Erdély rövid története* (2nd edn, Budapest, Akadémiai Kiadó, 1993) 600. According to another estimate, there were 165,000 Jews living in Hungarian-administered Transylvania. Carmilly-Weinberger, n 31 above, at 289.

⁶⁰ Anti-Semitic persecution in areas of Transylvania that remained under Romanian control, as in other parts of Romania, was generally less thorough and relentless than in territories governed by Hungary. As a result, a significantly larger proportion of Jews survived the war in Romania than in Hungary or in areas of Transylvania governed by Hungary during the Second World War. See generally, on the treatment of Jews in wartime Romania, Radu Ioanid, *The Holocaust in Romania* (Chicago, Ivan R Dee, 2000). However, it should not be forgotten that 'The Holocaust in Romania culminated in a series of devastatingly cruel deportations carried out under murderous conditions'. *Ibid* 35. Deportations of Romanian Jews were focused on certain parts of Romania, including southern Transylvania. *Ibid.*

⁶¹ For the text of the statute see Ezer Év Törvényei, available at www.1000ev.hu/index.php?a=3¶m=8098

⁶² For the limits placed on Jewish access to higher education by the Second Jewish Law see 1939: IV t-c, s 7.

⁶³ *Ibid* ss 10, 11.

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Jews were barred outright from seeking employment in much of the public sector, including the civil service, local government and the judiciary.⁶⁴

The Second Jewish Law not only reflected the belief that Jews occupied an unduly privileged place in the Hungarian economy but, more importantly, the conviction that their values and ways of thinking were alien and harmful to society at large, hence the provisions excluding Jews from leading positions in the theatre, newspapers, etc. As such, the Second Jewish Law, along with statements by its ecclesiastic cheerleaders in the Upper House, reflect views that are diametrically opposed to the humane sentiments expressed by Shylock in Act 3 scene I:

I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?

If Hungary's Second Jewish Law reflected a belief in the intrinsic *differences* between Jews and Gentiles, Shakespeare's Shylock asserts the overriding *communalities* of the human condition.

In addition to the exclusion of Jews from certain sectors of employment, in accordance with the Second Jewish Law, able-bodied Jewish males in northern and eastern Transylvania, as in other parts of Hungary, were liable for service in auxiliary labour battalions attached to Hungary's armed forces.⁶⁵ The legal basis for the creation of these battalions was provided by an Act on National Defence, adopted in 1939.⁶⁶ Section 230 of the Act stipulated that men aged over 21, deemed unsuitable for military service, should undertake work in the public interest. The *maximum* age for Jews serving in such labour battalions was gradually increased from 25 to 60.⁶⁷ In all, some 130,000 Jewish males served in these battalions of whom up to 40,000 perished.⁶⁸

Many of the Jews conscripted into the Hungarian labour battalions, including Jews from Transylvania, suffered or died because of the sadism or indifference of their guards, although other Jewish conscripts were treated comparatively humanely. Fourteen Jewish men in Labour Battalion No 101/5 died as a result of inadequate food, lack of shelter and constant beatings.⁶⁹ Men serving in some of these battalions were worked from dawn till dusk and fed on nothing but unsweetened black tea and contaminated flour. German officers reportedly

⁶⁴ *Ibid* ss 4, 5, 9, 17.

⁶⁵ On Jews serving in Hungary's auxiliary labour battalions, see eg Raul Hilberg, *The Destruction of the European Jews* (rev edn, New York, Holmes and Meier, 1985) vol II, 808–11.

⁶⁶ For the text of this statute, see www.1000ev.hu/index.php?a=3¶m=8096

⁶⁷ Hilberg, n 65 above, vol II, at 808.

⁶⁸ *Ibid*.

⁶⁹ László Karsai, *Holokauszt* (Budapest, Pannonica Kiadó, 2001) 222.

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warned the Hungarians in charge of some of the battalions that they had to choose between beating the Jews and working with them.⁷⁰

Conditions in other auxiliary labour battalions were reasonable by comparison. An elderly Jewish survivor of one such battalion, who still lives in the northern Transylvanian village where he was born, recalls that the 300 Jews he served with were not physically mistreated by their guards, although several of the guards stole what they could from the Jews: ‘some [of the guards] were decent, others were robbers, pure robbers!’⁷¹ For the most part, the men in his labour battalion were fed adequately: ‘the food was good, it was OK. We didn’t go without or experience hunger, no, no. We were fed three times a day: in the morning, at mid-day and in the evening. And there was enough bread.’⁷² The men were not issued with uniforms, although they were supplied with civilian clothes from time to time. For the most part, the battalion was employed digging anti-tank ditches to impede the advance of the Soviet forces.

By the spring of 1944, service in an auxiliary labour battalion offered protection from deportation to Auschwitz-Birkenau or to other death camps. Jews in Transylvania were amongst the first Jews to be rounded up by the Hungarian authorities and to be deported to these camps, in accordance with a plan drawn up by Adolf Eichmann. By 7 June 1944, almost 290,000 Jews had been deported from Transylvania and from other territories annexed by Hungary during the War.⁷³ According to conservative estimates, of the 110,000 to 130,000 Jews deported from Hungarian-controlled Transylvania, between 90,000 and 100,000 died in the Nazi camps.⁷⁴

By comparison with the genocide of Transylvania’s Jews, in which the Hungarian administration and Csendőrok collaborated with Eichmann and his associates, the casual, mocking anti-Semitism displayed by some of the characters in *The Merchant of Venice* appears mild, almost innocuous. In *The Merchant*, Venetian society aspires to *convert* Jews, to turn them into Christians. By contrast, in those parts of Europe controlled by the Nazis and their allies, including northern and eastern Transylvania, even devout Christians ‘tainted’ by Jewish blood were earmarked for *extermination*, along with Jews who had stayed loyal to their faith.⁷⁵

⁷⁰ *Ibid.*

⁷¹ Interview conducted in Hungarian with former member of a Hungarian auxiliary labour battalion (Maramureş, Romania, March 2007). In accordance with his wishes, neither the name of the interviewee nor the village in which he lives are given. The interviewee provided the author with documentary evidence confirming his service in an auxiliary labour battalion during the war.

⁷² *Ibid.*

⁷³ LS Davidowicz, *The War against the Jews 1933–45* (10th edn, London, Penguin Books, 1990) 455–6.

⁷⁴ Barta *et al*, n 59 above, at 600.

⁷⁵ The rigid, racially-grounded anti-Semitism of the Nazis and their allies was to lead to friction with the Christian Churches. In Hungary, for example, while the Churches warmly supported the First and Second Jewish Laws, they expressed their opposition to the Third Jewish Law, enacted in 1940, which proscribed marriages between Christians and Jews who had converted to Christianity. As

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In *The Genius of Shakespeare*, Jonathan Bate asserts that: ‘*The Merchant of Venice* has remained one of the most popular plays in the repertoire, a maker of reputations for actors such as Charles Macklin in the eighteenth century and Edmund Kean in the nineteenth.’⁷⁶ While this may be true of the British theatrical repertoire and of the repertoire in some other countries, it scarcely applies to the theatre in Central and Eastern Europe (CEE). In many CEE countries, performances of *The Merchant of Venice* are far from commonplace.

Although Bate does not address this point, it is clear that the theatre in Britain, as in other countries that were not directly touched by the Holocaust or by extreme currents of anti-Semitism, has felt free to mount productions of *The Merchant of Venice* and to experiment with new and innovative interpretations of this potentially difficult play. However, in areas of Europe, particularly Central and Eastern Europe, where anti-Semitism was virulent and legitimised by law, *The Merchant of Venice* has been shunned during much of the post-war era. This has been true, in particular, of societies in which cultural life was shaped by the dictates of communist ideology during much of the latter half of the twentieth century.

Fears of appealing to latent anti-Semitism, which has remained deep-seated in much of Central and Eastern Europe even after the Second World War, together with communist insistence on class rather than ethnicity or religion as the key to understanding the horrors of Nazism, resulted in the widespread neglect of a play that is notable for its uncomfortable mix of romance and racism.⁷⁷ For the most part authorities in CEE societies, which had emerged from the Second World War with much to forget concerning their collaboration in, or indifference to, the genocide of the Jews, discouraged productions of *The Merchant of Venice*; a play that on one, possibly simplistic, reading depicts Jews as materialistic, mean and vengeful.⁷⁸ *The Merchant*, with its focus on Jews and anti-Semitism, was ideologically troubling for the region’s post-1945 communist rulers, who were determined to erase all public memory of the Holocaust. Consequently, *The Merchant*

Bishop László Ravasz of the Reformed Church put it, during consideration of the draft law: ‘There is no more infernal thought than that a person whose parents have converted from the Jewish religion, or who has one parent who has converted from the Jewish religion, and who has been brought up in the Christian Church and has become completely Christian and Hungarian, should be forced back there, from whence he converted’. Quoted in Pogany, n 52 above, at 89.

⁷⁶ Bate, n 23 above, at 127.

⁷⁷ On the continuing failure of former communist states to interrogate their pre-communist pasts, see Tony Judt, *Postwar: a History of Europe since 1945* (London, William Heinemann, 2005) 821–6.

⁷⁸ Shortly after the Second World War, the Hungarian sociologist, István Bibó, wrote a remarkably bold and clear-sighted essay on the forms and extent of Hungarian complicity in the genocide of the country’s Jews, ‘The Jewish Question in Hungary after 1944’. Regrettably, the essay does not appear to have been translated into English, although it is available in French. Bibó, n 50 above, at 203.

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of *Venice* was deliberately sidelined, while a host of other plays by Shakespeare, including comedies, histories and tragedies, continued to be performed on a regular basis.

Allocated to Romania in the peace settlement following the First World War, Transylvania contains a large ethnic Hungarian minority that is served by Hungarian-language theatres in towns and cities including Cluj-Napoca, Oradea, Tîrgu-Mureş, Satu-Mare and Sfîntu-Gheorghe.⁷⁹ Productions of many of Shakespeare's plays, as well as works by other major foreign dramatists, including Shaw, Ibsen, Gogol, Chekhov, Racine and Molière, were mounted by these theatres during almost half a century of communist rule.⁸⁰ However, *The Merchant of Venice* was not performed at all during this period. Unlike *King Lear*, *Hamlet*, *Othello*, *Macbeth*, *A Winter's Tale*, *The Merry Wives of Windsor*, *A Midsummer Night's Dream* and other plays by Shakespeare, *The Merchant of Venice* does not feature amongst the works that were mounted by the Hungarian theatres in Transylvania.⁸¹

The Merchant was excised from the theatrical repertoire because, as suggested above, it raised uncomfortable memories in a society that was complicit in the Holocaust and that was governed after the war by communist regimes intent on reshaping historical memory in accordance with their own ideological precepts. As the historian, Tony Judt, points out: 'It is not that the horrors and crimes of the war in the east were played down [by communist rulers]—on the contrary, they were repeatedly rehearsed in official rhetoric and enshrined in memorials and textbooks everywhere. It is just that Jews were not part of the story'.⁸²

Jews, having been *physically* eliminated from most of the CEE region as a result of the Holocaust and of post-war emigration by most of the survivors, were now also subject to *cultural* and *intellectual* excision as well. During the communist era, Jewish themes were generally discouraged, whether in the theatre or in the academy, rendering *The Merchant of Venice* anathema.⁸³ For the most part, the region's remaining Jews were encouraged to assimilate, a process that was

⁷⁹ On the Hungarian minority in Transylvanian Romania, see eg, G Schöpflin, *Nations, Identity, Power* (London, Hurst and Company, 2002) 412–14.

⁸⁰ A record of the plays mounted by the Hungarian-language theatres in Transylvania, from the late autumn of 1944 until the early 1990s, is available in Lajos Kántor and József Kötő, *Magyar Színház Erdélyben 1919–1992* (Bucharest, Editura INTEGRAL, 1998) 118–201. These Hungarian-language theatres also functioned during the period 1940–44, when Hungary reoccupied northern and eastern Transylvania.

⁸¹ For example, in Cluj, a lively university city and the undisputed cultural and intellectual capital of Transylvania, there were performances of *The Taming of the Shrew* at the city's State Hungarian Theatre on 22 April 1946 and on 3 March 1965; of *Richard III* on 2 April 1949; of *Romeo and Juliet* on 10 March 1951 and 27 May 1967; of *Othello* on 30 March 1958; of *A Winter's Tale* on 12 December 1969; of *King John* on 4 March 1977; of *Much Ado About Nothing* on 28 November 1979; and of *Hamlet* on 23 February 1987. Kántor and Kötő, n 81 above, at 118–41.

⁸² Judt, n 77 above, at 822.

⁸³ See generally, on the Jewish experience in communist states in the post-war era, Bernard Wasserstein, *Vanishing Diaspora* (London, Penguin Books, 1997) ch 9.

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welcomed by many Jews themselves because it seemed to offer the best or only prospect of a life free from anti-Semitism.

The tenacity of anti-Semitic sentiment in the CEE region, even after the Holocaust, was also a factor in the reluctance of communist authorities to sanction performances of *The Merchant of Venice*, as suggested above. The play was not performed in the Hungarian-language theatres of Transylvania and rarely mounted elsewhere in the CEE area because the anti-Semitic stereotypes it contains had not lost their currency. It could not be assumed that audiences would find the well-worn anti-Semitic clichés in *The Merchant* uncomfortable or embarrassing. There was a very real danger that, far from sympathising with Shylock and his plight, many in the audience might see the play as a vindication of their anti-Semitic prejudices.

The factors that resulted in the neglect of *The Merchant of Venice* by theatres in Central and Eastern Europe, also shaped literary scholarship in the CEE region, particularly during the communist years. In the mid-1960s, Methuen and Co published an English-language text, *Shakespeare our Contemporary*, by a leading Polish scholar, Jan Kott. In the Preface, Peter Brook, the English theatre director, describes Kott as 'quick-witted and combative'. However, Kott's combativeness apparently functioned within orthodox limits. His book simply ignores *The Merchant of Venice* with its deeply uncomfortable themes of racism and Jew-hatred. While Kott discusses many of Shakespeare's plays at length there is only a fleeting reference to *The Merchant*.⁸⁴ Even Kott's tiny comment on *The Merchant* is confined to the 'safe' topic of eroticism, scarcely a central strand in the play. This is surprising and not a little disappointing in view of the obvious relevance of *The Merchant* to the tragic course of Polish-Jewish history. Up to three million Polish Jews were killed in the Holocaust, while anti-Semitism had been pronounced in pre-war Poland.⁸⁵ Only a couple of years after Kott's book was published, a fresh outburst of state-sanctioned anti-Semitism led to the enforced emigration of over 20,000 Polish Jews, many of whom had been hounded from their jobs.⁸⁶

CONCLUSIONS

The themes raised by *The Merchant of Venice* remain extraordinarily relevant in our own times. It has become clear that public knowledge of the Holocaust has failed to dispel entrenched anti-Semitic beliefs and stereotypes, even in the

⁸⁴ Jan Kott, *Shakespeare, Our Contemporary* (B Taborski (trans), London, Methuen and Co Ltd, 1967) 196.

⁸⁵ Davidowicz, n 73 above, at 472–4.

⁸⁶ Jonathan Kaufman, *A Hole in the Heart of the World* (Harmondsworth, Penguin Books, 1998) 189–90.

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United Kingdom. According to recent studies, anti-Semitism is actually on the increase.⁸⁷ Other examples of racism or religious chauvinism, such as anti-Roma prejudice in Central and Eastern Europe or anti-Shia sentiment in parts of the Islamic world, also remain deeply entrenched.⁸⁸ *The Merchant's* generous, humanistic vision, one strand in a complex and ambiguous play, remains an important moral counterweight to racist and chauvinistic ways of thinking. For lawyers, the ongoing challenge must be to ensure that enlightenment ideals of non-discrimination, pluralism and inclusion continue to inform our laws and the conduct of both public and private institutions. Shylock's famous lament: 'Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions?' could just as meaningfully have been uttered by a member of the Roma minority in Slovakia, by a Dalit in India, a Shia in Saudi Arabia, by a Zoroastrian in Iran or by a Catholic in parts of Northern Ireland.

⁸⁷ *Report of the All-Party Parliamentary Inquiry into Anti-Semitism* (September 2006), available at <http://thepeca.org/Report.pdf>

⁸⁸ On the plight of the Roma of the CEE states, see I Pogány, *The Roma Café: Human Rights and the Plight of the Romani People* (London, Pluto, 2004). On anti-Shia sentiment in parts of the Islamic world, including Pakistan and Saudi Arabia, see Minority Rights Group International, *State of the World's Minorities 2007* (London, Minority Rights Group International, 2007) 85, 114.