

Politics, Liberal Idealism and Jewish Life in Nineteenth Century Vienna: The Formative Years of Heinrich Jaques (1831-1894)

On 1 July 1879, at the age of forty-eight, Heinrich Jaques stood at the pinnacle of his public life. He had just been elected as a liberal to the most prestigious seat in Austrian parliament, Vienna's 1st district.¹ Jaques background had prepared him well for a parliamentary career. Born into a privileged, rich Jewish family, he had participated in the 1848 revolutions, then worked as a banker and as a lawyer for two decades. At the same time, as a freelance journalist, he had written and publically commented on a myriad of topics encompassing Austrian politics, economy, society, and law. His election, it seemed, was further confirmation that patriotic Jews could now aspire to positions of power and prestige, even play a role amongst the political elites of the Monarchy. For Jaques and many in his generation – heavily influenced by the fight for a constitutional, progressive Austria and for Jewish emancipation – politics exerted a strong hold over their lives and ambitions. Jaques wrote about the:

secret and magic that political ambition works on someone's character. Political discussion is the natural and real arena of struggle and victory for whoever wishes to receive recognition or to place themselves in the foreground, whether in action or principles. Here is movement, here reign the passions; here there is the terrain and movement to lead and passions to master.²

According to Jaques, then, politics posed the ultimate test of his individual character, achievements and moral development. From a wider perspective, the involvement of

¹ *Morgenpost*, 1 July 1879 'Die Wahl-Resultate der Stadt Wien'. For the post-1867 period, I have used the term 'Austria' to denote the non-Hungarian lands in the Habsburg Monarchy, rather than informally used 'Cisleithania'. Before 1867 'Austria' refers to the entire Monarchy.

² Heinrich Jaques, *Alexis de Tocqueville. Ein Lebens – und Geistesbild*, Vienna, 1876, pp. 38-39.

Jews in elite politics, almost inconceivable prior to 1848, also tested the limits of Jewish emancipation.

Legal emancipation (enacted when Jews were treated as all other citizens in the laws of 1867) and its effects constituted a key change for Austria's Jews. The discourse underlying Jewish emancipation and Austrian liberalism in general was predicated on integration and homogeneity.³ There were two aspects to these assumptions. First, 'universal' values – such as rational thought, humanist German culture and abstract liberal principles (for example, freedom, liberty, rights) – were asserted as the true drivers of progress. In order to reform and improve the world, these 'universal' values needed to permeate individual lives and morality as well as society and politics. The Jews, so the emancipationists believed, were capable of adopting these values and integrating into society, but needed to shed Judaism's inward, particularist traditions and rituals. In other words, to deserve and benefit from emancipation, the Jews had to undergo a process of moral regeneration; out of the ghetto and into the mental and political framework of wider society. For liberal, reform-minded Jews this meant increased secularization and acculturation.

The second aspect of integration and homogeneity postulated emancipation as leading to Jews participating in and contributing more towards the state. Jews, as ordinary citizens and subject to the same laws as other citizens, would, according to this

³ Hans-Joachim Salecker, *Der Liberalismus und die Erfahrung der Differenz. Über die Bedingungen der Integration der Juden in Deutschland*, Berlin, 1999, pp. 123-240, David Sorkin, *The Transformation of German Jewry, 1780-1840*, New York, 1987, pp. 3-40 and Dieter Langewiesche, 'Liberalismus und Judenemanzipation in Deutschland im 19. Jahrhundert' in P. Freimark, A Jankowski and I.S. Lorenz (eds.), *Juden in Deutschland. Emanzipation, Integration, Verfolgung und Vernichtung*, Hamburg, 1991, pp. 148-163. On Austrian liberal thinking in general see Jonathan Kwan, *Liberalism and the Habsburg Monarchy 1861-1895*, Basingstoke, 2013, pp. 1-24 and Pieter Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914*, Ann Arbor, 1996, pp. 1-10.

argument, be facilitated to enter new professions, engage with wider society and work towards the common good. Removing restrictions, while not explicitly encouraging a move away from Jewish traditions, would enable integration and homogeneity with the underlying goal of a united, harmonious citizenry. In his popular, lengthy pamphlet entitled 'Memorandum on the State of the Jews in Austria', Jaques echoed these sentiments when he wrote that Austria was harming its own material and spiritual capital by restricting Jews in the areas of property ownership, freedom of movement, state positions and political involvement.⁴

Jaques pushed for emancipation and, then, embraced the new world of possibilities. At the same time, he also accepted the implicit assumptions underlying emancipation and its 'new ideal of man'.⁵ While always remaining a member of the Jewish community, Jaques lived a largely secular life based on liberal ideas, beliefs and culture.⁶ It was a life infused with discipline, self-cultivation and achievement. His broad intellectual interests centred around the standard tropes of *Bildung* (self cultivation): Western philosophy, European history, German literature, classical music and the worlds of ancient Greece and Rome. In his professional life (involving a number of different fields), Jaques demonstrated competence, commitment and a capacity for hard work. He served on the board of the esteemed bank, *Creditanstalt*, and wrote on technical financial matters. He also sat on the board of various railways companies, providing managerial and legal expertise. He was a prominent member of

⁴ Heinrich Jaques, *Denkschrift über die Stellung der Juden in Österreich*, Vienna, 1859, p. ix.

⁵ Sorkin, *The Transformation of German Jewry*, p. 4.

⁶ On 'living liberalism' see Elaine Hadley, *Living Liberalism. Practical Citizenship in Mid-Victorian Britain*, Chicago, 2010. For the mentality of German-speaking liberal Jews see George Mosse, 'German Jews and Liberalism in Retrospect', *LBI Yearbook* vol. 32 (1987), pp. xiii-xxv and George Mosse, *German Jews beyond Judaism*, Cincinnati, 1985, pp. 2-21 and 72-82. Jaques was a member of the *Israelitische Kultusgemeinde* (IKG) but was not heavily involved in its activities. He was close to many leaders within the IKG. William McCagg, *A History of Habsburg Jews 1670-1918*, Bloomington, 1992, p. 152. In 1863 he was elected to the advisory council of the IKG. *Die Neuzeit*, 11 December 1863.

the Legal Association in Vienna, serving as Vice-President, and gave many lectures on different aspects of the law, both to professional audiences and to the general public. As a practicing lawyer he participated in a number of high profile trials and gained a considerable reputation. It is no surprise that from an early age he was ambitious and attracted to politics. In his political statements, Jaques stressed his principles and patriotism to Austria. He wrote about many political issues, both in newspapers and longer publications, and was involved in electoral politics from the beginnings of a permanent parliamentary system in 1861. Thus Jaques lived his life according to the norms and values embodied in emancipatory and liberal discourse.

This article traces Jaques's personal experiences and maturation leading up to his election in 1879. The backdrop involved the 1848 revolutions, the fight for emancipation and a turbulent time of change for Austria and Vienna. The literature on Viennese Jews has mainly focused on issues of integration, high culture, Zionism, antisemitism, and the internal dynamics of the Jewish community, rather than Jewish involvement and participation in the wider political world.⁷ For instance, there has been no detailed work on individual liberal, Jewish politicians and surprisingly little on the relationship between Austrian liberalism and the Jews.⁸ Jaques provides a case study of an energetic, acculturated Jew who believed in emancipatory, idealistic

⁷ For example Steven Beller, *Vienna and the Jews 1867-1938. A Cultural History*, Cambridge, 1989; Ivar Oxaal, Michael Pollak and Gerhard Botz (eds.), *Jews, Antisemitism and Culture in Vienna*, London and New York, 1987; Marsha Rozenblit, *The Jews of Vienna 1867-1914. Assimilation and Identity*, Albany, 1983 and Robert Wistrich, *The Jews of Vienna in the Age of Franz Joseph*, Oxford, 1990.

⁸ The literature on liberalism and Austrian Jews includes Kwan, *Liberalism and the Habsburg Monarchy 1861-1895*, pp. 143-56, Peter Pulzer, 'The Austrian Liberals and the Jewish Question, 1867-1914', *Journal of Central European Affairs* 23 (1963), pp. 131-42 and Gerald Stourzh, 'The Age of Emancipation and Assimilation. Liberalism and its Heritage' in Gerald Stourzh, *From Vienna to Chicago and Back. Essays in Intellectual History and Political Thought in Europe and America*, Chicago, 2007, pp. 204-23. There are some short biographies in Saskia Stachowitsch and Eva Kriesky (eds.), *Jüdische Identitäten und antisemitische Politiken im österreichischen Parlament 1861-1933*, Vienna, 2017, pp. 233-67.

liberalism and pursued his life and political career serving those values. Liberalism was a political home for Jaques and for many intellectual, secular Jews. It provided both a programme to fight for and an idealized vision – a progressive Austria, equal rights before the law, religious tolerance and Jews integrated into wider society. Spurred by energy, hope, and ambition, Jaques imagined and wrote about a new Austria, then worked to realize it.

Yet the ambivalence and tensions within the emancipatory process had not been dissolved by legal equality. Debates about ‘the Jewish question’ continued. The practical realization of integrating the Jewish community proved problematic. Rapid social change, Jewish migration, Catholic mobilization and economic downturn led to increasing criticism of both the liberal project and the effects of Jewish emancipation. In the early to mid-1880s, as the liberals moved into opposition to the government, antisemitism emerged as a permanent and powerful factor in politics. While some in the wider public accepted the terms of Jewish emancipation, others continued to be prejudiced against Jews, doubting the capacity and desirability of integration, despite legal emancipation and widespread Jewish acculturation. Jewish liberals like Jaques were disoriented and dislocated by the growth, persistence and success of antisemitism. These developments and debates formed the background to Jaques’s debilitating mental illness in the early 1890s and his subsequent suicide in 1894.⁹

⁹ See Jonathan Kwan, ‘Liberalism, Antisemitism and Everyday Life in Vienna: The Tragic Case of Heinrich Jaques (1831-1894)’ in Abigail Green and Simon Levis Sullam (eds.), *Jews, Liberalism, Antisemitism* (forthcoming).

In the beginning, family formed the inner circle of Jaques's world. Both of his parents came from successful banking families and, in all probability, mutual commercial benefit was a contributing factor to the marriage.¹⁰ The important figure from the paternal side was Heinrich's grandfather, David Jaques (originally Halberstadt) who had flourished in Hannover as a financial expert during the Napoleonic era. In 1813 David Jaques was amongst the signatories petitioning for Jewish emancipation and citizenry rights.¹¹ His son Karl Jaques (1800-1837) married Charlotte Sophie von Wertheimstein (1795-1877) in 1826. The important figure from the maternal side was Samson Wertheimer (1658-1724) who helped organize and finance Austrian military action against the Turks and in the Spanish War of Succession. Samson Wertheimer also performed many personal missions for the Habsburg family and was a Rabbi within the Jewish community. For his services, he was granted extraordinary privileges and named as Imperial Court factor.¹² Various branches of the large disparate Wertheimer family continued living as privileged Jews within the Habsburg Monarchy. In the later eighteenth century Charlotte's father was ennobled and took the name von Wertheimstein. Thus from his mother's side, Heinrich Jaques came from one of Vienna's richest and most prominent Jewish families. The Jaques family relocated from Hannover to Vienna around 1830 and Karl joined his wife's family bank, Hermann von Wertheimstein and Sons. Heinrich Jaques was born shortly afterwards on 24 February 1831 in Vienna. His father died in 1837, leaving Charlotte in charge of two surviving children; Louise and Heinrich. Through his mother, who

¹⁰ Marion Kaplan, 'For Love or Money. The Marriage Strategies of Jews in Imperial Germany', *LBI Yearbook* vol. 28 (1983), pp. 263-300 and, for another viewpoint, W.E.Mosse, *The German-Jewish Economic Elite, 1820-1935. A Socio-Cultural Profile*, Oxford, 1989, pp. 93-185.

¹¹ Zvi Asaria, *Die Juden in Niedersachsen. Von den ältesten Zeiten bis zur Gegenwart*. Leer, 1979, p. 55.

¹² See Paul Mendes-Flohr and Jehuda Reinharz (eds.), *The Jew in the Modern World. A Documentary History*, New York, 1995, pp. 18-20 'Emperor Leopold: The Appointment of Samson Wertheimer as Imperial Court Factor (29 August 1703)'.

never remarried, Heinrich Jaques was brought up in a rarified Viennese Jewish world of wealth, privilege, culture, moral stricture and high expectations.

Over time Jaques developed a large and diverse series of contacts, starting from within Jewish circles but gradually expanding to include many Gentiles. One of Jaques's oldest friends was Joseph Unger (1828-1913), from a Jewish family of considerably lesser pedigree and prosperity.¹³ Unger was a gifted pianist, even playing before Franz Liszt on one occasion, and often performed quartets with Jaques on cello. Another friend was Theodor Gomperz (1832-1912), a distant relative whom Jaques met at a family gathering in Vienna's fashionable suburb of Hietzing.¹⁴ The Gomperz family, a highly successful Jewish textile family from Brno/Brünn, occupied a social level comparable to the Wertheimsteins.¹⁵ One of Theodor Gomperz's older sisters, Josephine, married a second cousin of Jaques's mother, Leopold von Wertheimstein, a close associate of the Rothschild family. This is just a small example of the connected web formed by privileged Viennese, Jewish families, who often inter-married. The friendship between Theodor Gomperz and Jaques was cemented during their student years, when they lived together in shared accommodation.¹⁶ At this crucial period in their development, Jaques, Unger and Gomperz formed the nucleus of 'a small circle of like-minded young men'.¹⁷ Characteristics of this milieu included an ambivalence towards Judaism, intense

¹³ Salomon Frankfurter, *Josef Unger. Das Elternhaus – die Jugendjahre 1828-1857. Biographischer Beitrag*, Vienna and Leipzig, 1917, pp. 8-44.

¹⁴ Heinrich Gomperz (ed.), *Theodor Gomperz 1832-1912. Briefe und Aufzeichnungen. Vol. 1: 1832-1868*, Vienna, 1936, p. 30.

¹⁵ The milieu is evoked and described in Karlheinz Rossbacher, *Literatur und Bürgertum. Fünf Wiener jüdische Familien von der liberalen Ära zum Fin-de-Siecle*, Vienna: Böhlau, 2003. Detailed genealogical background, tracing the various family trees of the Viennese Jewish *Bürgertum*, can be found in Georg Gaugusch, *Wer einmal war, Das jüdische Grossbürgertum Wiens 1800-1938*, 2 Vols., Vienna, 2011 and 2016.

¹⁶ H. Gomperz, *Theodor Gomperz*, p. 84.

¹⁷ *Ibid*, p. 100.

engagement with intellectual and cultural questions, belief in liberal progress and a driving ambition to excel.

For many acculturated Jews, the force of modern science, rational reasoning, universal principles, and secular education were eroding Jewish traditions and beliefs. Theodor Gomperz recalls his grandfather Lazar Auspitz as an adherent of the Enlightenment.¹⁸ When Lazar Auspitz went to the synagogue he supposedly took a book on natural science, rather than a prayer book. Conversion was one indicator of ambivalence towards Jewish traditions, though there could be many motivations behind conversion.¹⁹ While Jaques remained a Jew his whole life, his immediate heirs all converted to Catholicism. Jaques's niece Henriette Beyfuss converted in order to marry Jaques's legal trainee, Raimund Grübl, who would later serve for a short period as the final liberal mayor of Vienna in 1894-95. The painter Hermann Beyfuss, who was Jaques's nephew, converted to Catholicism in 1896, possibly to facilitate his marriage. Amongst Jaques's immediate friends conversion was also common. While Theodor Gomperz stayed in the Jewish religion, leading a larger secular life, both of his sons converted.²⁰ Their mutual friend Josef Unger converted to Catholicism in 1852. The motivation may have been career prospects (he would become a Professor of Law at Prague University in 1855), genuine belief (he was having intense

¹⁸ Theodor Gomperz, *Essays und Erinnerungen*, Stuttgart and Leipzig, 1905, p. 5.

¹⁹ For some background and long lists of converts see Anna Staudacher, *Jüdische Konvertiten in Wien 1782-1868*, Frankfurt, 2002 and Anna Staudacher, '.... Meldet den Austritt aus dem mosaischen Glauben. 18,000 Austritte aus dem Judentum in Wien, 1868-1914. Namen – Quellen – Daten', Frankfurt, 2009. Vienna's conversion rate was the highest in Europe see Marsha Rozenblit, *The Jews of Vienna 1867-1914. Assimilation and Identity*, Albany, 1983, p. 7 and Marsha Rozenblit, 'Jewish Assimilation in Habsburg Vienna' in Jonathan Frankel and Steven Zipperstein (eds.), *Assimilation and Community: The Jews in nineteenth-century Europe*, Cambridge, 1992, pp. 225-45.

²⁰ Rossbacher, *Literatur und Bürgertum*, p. 316. Gaugusch, *Wer einmal war*, Vol. 1, p. 976. Gomperz's sons were still classified as Jewish under the Nazi laws. Heinrich Gomperz, who became Professor of Philosophy at the University of Vienna, escaped to America, while his brother, Rudolf Gomperz was killed in a concentration camp in Minsk. Rudolf's sons were both members of the Nazi party and fought in the SS divisions, even as their father was deported and executed. One son of Rudolf Gomperz died during the war and the other committed suicide in 1966.

conversations with his *Gymnasium* teacher around the time) or family circumstances (his father had died in 1851 and his mother immediately converted to Catholicism to marry the family tutor).²¹ It was probably a combination of all three.

In August 1852, shortly after Unger's conversion, the three friends were on holiday together at Bad Ischl and Bad Aussee, traditional summer holiday retreats for the Viennese elite.²² The conversations of these young men, judging from their letters of the time, were highly intellectual. Literature, music, philosophy, science, history, art, politics along with ancient classics and German humanism formed a shared cultural heritage. There is hardly any mention of Jewish scholarship or learning, though the simple fact of 'being Jewish' was a frequent topic. *Gymnasium* enforced a rigorous regime of learning, while the general environment of the Viennese *Bildungsbürgertum* (educated middle classes) encouraged intellectual and cultural pursuits. Many of the rich Jewish families hosted salons, providing a relaxed forum for writers, thinkers, musicians as well as educated professionals, civil servants and businessmen. There was considerable mixing between progressive Gentiles and reformist Jews in salons since the criteria for participation were sympathy, learning and refinement. Josephine von Wertheimstein hosted a famous salon from her villa in the suburb of Döbling.²³ Unger attended the Wertheimstein salon regularly, as did Theodor Gomperz and, presumably, Jaques. Within Jaques's family, his sister Louise Beyfuss hosted a prominent salon.

²¹ Frankfurter, *Josef Unger*, pp. 45-6 and 74-9. Frankfurter suggests that Unger's conversion was due to conviction and not career prospects. For the opposing view see Waltraute Sixta, *Josef Unger als Sprechminister 1871-1879*, Univ. Vienna diss, p. 111.

²² H. Gomperz, *Theodor Gomperz*, p. 115. For Viennese summer retreats and their importance see Deborah Coen, *Vienna in the Age of Uncertainty. Science, Liberalism and Private Life*, Chicago, 2007, p. 26 ff and Deborah Coen, 'Liberal Reason and the Culture of *Sommerfrische*', *Austrian History Yearbook*, 38 (2007), pp. 145-59.

²³ This is documented in Robert Kann (ed.), *Briefe an, von und um Josephine von Wertheimstein*, Vienna, 1981 and Ernst Kobau, *Rastlos zieht die Flucht der Jahre ...*, Vienna, 1997.

For young men finding their way in the world, intellectual topics provided focus and a shared passion. In their late teens and early twenties Jaques and Gomperz exchanged letters discussing ancient Greek philosophers, the topic which would later become the basis of Gomperz's Professorship in Classical Philology at the University of Vienna.²⁴

Josef Unger, too, was extremely intellectual, being an outstanding student in *Gymnasium* and at University. His gifts had been identified early and Unger would subsequently have a stellar career as a law Professor and liberal politician. Jaques fully participated in the conversations and interests of his circle of friends.

Throughout his life he aspired to a universal education (along the lines of classical *Bildung*), had wide-ranging interests and published in diverse fields.

For the three friends and their youthful generation, 1848 was a momentous year. Political, social and legal reforms were now possible in the fluid, changing situation following the March Revolutions. Unger, the oldest, was only nineteen years old but immediately sat on student committees and formed part of the delegation which met with the Interior Minister Franz Pillersdorf in May 1848. Later in life, Unger wrote that 'I was born in 1828 but I first saw the light of the world in 1848'.²⁵ Gomperz, the youngest at fifteen, was a *Gymnasium* student in Brno but twice visited Vienna as a representative of the Brno student legion. He wrote that the March days of 1848 'spread a further shaft of golden sunlight on life's voyage' and 'one dreamed only of freedom, general justice and brotherhood of the peoples'.²⁶ During the protean revolutionary period Gomperz, Unger and Jaques (and many other interested youths)

²⁴ While Gomperz and Jaques spoke for hours about intellectual topics, in the estimation of Heinrich Gomperz, Jaques was a little soft and pliable for a meeting of true equals. H. Gomperz, *Theodor Gomperz*, p. 80 and 97-98.

²⁵ Josef Unger, *Bunte Betrachtungen und Bermerkungen*, Vienna, 1909, p. 20.

²⁶ T. Gomperz, *Essays und Erinnerungen*, p. 16 and 19.

grappled with the complex issues of German unification, nationality conflict in the Habsburg Monarchy, centralization or federalization, constitutional and parliamentary government and military action. Gomperz, for instance, often changed his mind as events unfolded but was always deeply engaged.²⁷ Jaques was seventeen and participated in the University demonstrations, including student petitions and the occupation of the main hall.²⁸ While he never wrote about his personal experiences of 1848, his general interpretation – written ten years later – defended the idea of a centralized Austrian state against the demands of the various nationalities and the call of a ‘Greater Germany’. In particular, he portrayed the German-speakers of Austria as striving for the universal and beneficial goal of political freedom, while the Hungarian and Slav movements pursued narrow national demands.²⁹ This was a common trope in Austrian liberal thinking.³⁰

Following the revolutions, all three spent time in Germany, partly to escape any possible official repercussions for their revolutionary involvement and partly for life experience. Jaques attended Heidelberg University where he read philosophy and history, even contemplating a career as a historian. Unger went to Königsberg/Kaliningrad, in the north of Germany, and completed a dissertation in philosophy on Hegel’s thought. Gomperz graduated from *Gymnasium* in August 1849 and after a few years of study in Vienna, became a junior editor in Leipzig at the journal *Die Grenzboten* for the period 1854-55. Jaques and Unger progressed quickly in their respective careers, while Gomperz took longer. Unger’s conversion smoothed

²⁷ See the series of letters to his brother Carl and to his sister Josephine from March 1848 to 1 August 1849. H. Gomperz, *Theodor Gomperz*, pp. 40-78.

²⁸ Wienbibliothek, Nachlass Ludwig August Frankl von Hochwart, 101705. Letter From H. Jaques to L.A. Frankl, 13 March 1869.

²⁹ Heinrich Jaques, *Österreich’s Desorganization und Reorganization. Rechtsgeschichtlich-politische Studien*, Vienna, 1861, p. 58.

³⁰ Kwan, *Liberalism and the Habsburg Monarchy*, pp. 7-13 ff.

the path to a University career. By the end of 1852, shortly after their holiday together, Gomperz was writing that Unger would soon become a University Professor.³¹ There was considerable cooling of relations between the friends, possibly due to Unger's conversion to Catholicism. In addition, both Jaques and Gomperz believed that there were some anti-liberal elements in Unger's legal work, including expressions of thanks to a clerical legal thinker, Baron Antonio Slavotti.³² In fact, Unger owed his University appointment to Slavotti, who had facilitated a meeting with the Education and Religious Minister Leo Thun.³³ Thun, a committed Catholic who had negotiated the 1855 Concordat with the Vatican, was open to helping young, promising intellectuals and oversaw Unger's rapid ascent in academia.³⁴ Unger's conversion, move towards clerical circles and flourishing career, provoked considerable jealousy from Jaques. A harsh exchange of words ensued, resulting in life-long enmity between the former friends.³⁵

By the mid-1850s Jaques had graduated in law and was pursuing a myriad of intellectual interests. He was reaching an age when he needed to choose a profession. While Jewish emancipation had been a component of the various constitutions put in place throughout the 1848-1849 Revolutions, the 1851 Sylvester Patent repealed the existing constitution and the old restrictions on Jews were revived. Nevertheless, Jaques's privileged position meant he still had many career options. To some extent, his hand was forced by the death of his uncle, Sigmund von Wertheimstein in June

³¹ H. Gomperz, *Theodor Gomperz*, p. 117.

³² Ibid, p. 85.

³³ *Neue Freie Presse*, 2 May 1913 'Josef Unger: Von Georg Jellinek' and Frankfurter, *Josef Unger*, p. 84.

³⁴ For the interesting connections between Thun and young liberal intellectuals see Jonathan Kwan, 'The Formation of the Liberal Generation in Austria, c1830-1861: Education, Revolution and State Service' in Franz Adlgasser and Frederik Lindström (eds.), *The Imperial Austrian Civil Service and its Aftermath, 1848-1933*, Geistes-, sozial - und kulturwissenschaftlicher Anzeiger (forthcoming).

³⁵ H. Gomperz, *Theodor Gomperz*, pp. 84-6 and Frankfurter, *Josef Unger*, pp. 96-8. Gomperz sided with Jaques but many decades later, following Jaques's death, reconciled with Unger.

1854. Sigmund was in charge of the large financial and trading house Hermann von Wertheimstein's Sons (where Karl Jaques had worked) and had also been a director of the Austrian National Bank. He had no children of his own and named the Jaques family as his beneficiaries. At the age of twenty-three, as the oldest surviving son in his family, Heinrich Jaques moved into the family business of high finance and took over direction of a successful, prominent banking house. It proved to be a poisoned chalice and Jaques was forced to wind up operations in 1859 following a scandalous court case and massive accumulated debts.

The main protagonist in the case of fraud and embezzlement was a former lawyer, turned financier, Johann Zugschwerdt.³⁶ In his court testimony Zugschwerdt alleged that Sigmund von Wertheimstein had introduced him to stock market speculation in 1847. Through Wertheimstein, Zugschwerdt quickly became immersed in the financial world and wrote a number of highly regarded works on banking, especially about mortgage banks. His expertise and association with Wertheimstein meant a respected position in financial circles culminating in membership on the foundation board of the famous *Creditanstalt*, formed by the Rothschilds and other Austrian notables in 1855. Throughout this time, he had stayed close, both socially and professionally, to Wertheimstein and was named as executor of Wertheimstein's will. Around the beginning of October 1857 Zugschwerdt suddenly disappeared from Vienna amidst rumours of enormous debts and attempted fraudulent transactions. H. Wertheimstein and Sons was heavily exposed since Zugschwerdt's trusted position there had given him access to the firm's considerable funds, while also facilitating credit. Ultimately, the debts and the associated publicity forced Jaques to close the

³⁶ This account is taken from a number of newspaper reports. *Die Presse*, 18 October 1857, 16-17 April 1858 and *Morgenpost*, 16-17 April 1858.

firm. Beyond the closure of Jaques's inherited business, the scandal had further implications. Zugschwerdt's portrayal of Sigmund von Wertheimstein as leading a hard-working lawyer down the path of stock market speculation and eventual ruin utilized and reinforced popular stereotypes of Jews as corrupt and dominant in the byzantine financial world.

Around this time Jaques became a legal trainee under Gustav Freund, a former 1848 revolutionary who had spent time in jail and had written a number of political and literary works.³⁷ The legal profession would now be Jaques's focus, though he juggled commitments and fields throughout his life. Jaques began publishing legal essays in the mid-1850s, including a series attacking his former friend, Joseph Unger.³⁸ Unger had set himself the monumental task of presenting a systematic treatment of Austrian civil law and the first volume of his 'System of Austrian General Private Law' appeared to general acclaim in 1856.³⁹ Jaques, however, was not the only critical voice. Johann Nepomuk Berger (1816-1870), a former 1848 revolutionary who had attended the Frankfurt Parliament, published a lengthy critique of Unger's system and its assumptions.⁴⁰ It was probably around this time that Jaques met Berger, who would soon become one of his closest friends. Their common antipathy towards Unger no doubt helped, as did their shared analytical, critical mindsets and liberal ideals. Berger became, to some extent, a mentor to Jaques. While Berger had Jewish roots (his mother had converted from Judaism), his personal circle was a mix of Jews (like the journalist Ignaz Kuranda) and Gentiles (his best friend

³⁷ For information on Freund see the obituary in *Neue Freie Presse*, 2 April 1904.

³⁸ *Gerichtshalle* 13, 20 and 27 July 1857 'Über Theorie und Praxis im Civilrechte'. There was considerable discussion about this. See Kann, *Briefe*, p. 161. Letter from Eduard von Bauernfeld (playwright) to Josephine von Wertheimstein dated 24 June 1857.

³⁹ Josef Unger, *System des österreichischen allgemeinen Privatrechts*, Vol. 1, Leipzig, 1856.

⁴⁰ J.N.Berger, *Kritische Beiträge zur Theorie des österreichischen allgemeinen Privatrechtes*, Vienna, 1856.

was Rudolf Brestel, who would later become Finance Minister).⁴¹ Jaques also initiated contact with another older liberal, Anton Auersperg (1806-1876), from 1858 onwards. Auersperg had attended the Frankfurt Parliament and was a famous poet, especially for his mildly oppositional but patriotic poems published in the *Vormärz*. As he matured, Jaques was gradually expanding his social circles and looking outside his narrow, privileged, Jewish world for direction.⁴²

Parallel to his continued involvement in the financial world, especially through railway companies, and his training as a lawyer, Jaques's most notable achievement at this time was a series of books and pamphlets published from 1859 to 1863 covering the major topics of the day. As he approached thirty and Austria entered a period of uncertainty concerning its future, Jaques's writings demonstrated a passionate engagement with the many pressing issues in contemporary Austria. They also laid the ideological template for his political career. Through his writings he would gain fame and a public profile. The two young sons of Berger rather ironically called Jaques the 'famous Uncle'.⁴³

Apart from a few specialist legal articles, Jaques first publication was his memorandum on the Jews in Austria. It would become his most famous work, yet needs to be viewed within the larger corpus of his contemporaneous publications.

⁴¹ For his personal circle see Alfred von Berger and Wilhelm von Berger, *Im Vaterhaus. Jugenderinnerungen*, Vienna, 1901, pp. 26-31 and 107-11.

⁴² Considerable contact with Gentiles and a degree of integration was possible (especially in more progressive circles), though there were many diverse experiences. Marion Kaplan, 'Friendship on the Margin: Jewish Social Relations in Imperial Germany', *Central European History* 34 (2001), pp. 471-501 and Mosse, *The German-Jewish Economic Elite*, pp. 187-251.

⁴³ Berger, *Im Vaterhaus*, p. 177.

Jaques constantly emphasized ‘the material and political welfare of the whole’ (*Gesamtheit*), rather than the specific protection and interests of Austrian Jews.⁴⁴ The most important goal for Jaques was the creation of a progressive, liberal, meritocratic Austria and this, in turn, would mean Austrian Jews exercising the same rights and duties as other citizens.⁴⁵ This was a typical liberal and emancipationist stance, envisaging a constitutional and legal basis of equal rights for all citizens (thus encompassing Jews and dissolving their exceptional status) so that the state could derive benefit from all its citizens. Strengthening the state was thus intimately linked with Jewish emancipation; in Jaques words, the Jewish question was ‘an organic part of the whole’.⁴⁶

The opening section of the memorandum outlined the legal emancipation of the Jews during the 1848-49 revolutions and the suspension of the constitution in 1851, which, in Jaques’s opinion, revived the patchwork of older rights or, in his words, ‘antiquated relics of a medieval, feudal character’.⁴⁷ On this point Jaques disagreed with his former friend Unger whose work was described as ‘absolutely superfluous and meaningless’.⁴⁸ Jaques looked to central authority for ‘an Imperial legal framework ... a work of humanity and of statesmanship (*Staatsklugheit*) ... finally, to have fixed ground under the feet’.⁴⁹ In other words, Jaques wanted a constitution that would guarantee the unity of the Empire (*Reichseinheit*) along with equal rights for citizens and religions. This would ‘open an era of humane tolerance, co-existence, and co-

⁴⁴ Jaques, *Die Stellung*, p. ix.

⁴⁵ Ibid, p. vii-xii.

⁴⁶ Ibid, p. cvi.

⁴⁷ Ibid, p. xxix.

⁴⁸ Ibid, p. lx.

⁴⁹ Ibid, pp. xcvi-xcvii.

operation from adherents of all religions in this state'.⁵⁰ Jaques's vision of a new, modern Austria would enable the integration of the Jews and other religions (Jaques mentions Protestants) into a higher unity. Jews would then 'with a zeal as never before, strive to become free people as well as useful, practical, and honourable citizens'.⁵¹ The basic idea, then, is the 'rejuvenation and reshaping of Austria' by the 'combining of all [the State's] the spiritual and material power'.⁵²

The pamphlet was a bestseller and raised Jaques's public profile enormously, but there were some critical voices, especially in the powerful Catholic press. The *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz*, attacked Jaques as an example of the 'Jewish dominance' that was gaining influence even in the Christian world.⁵³ Another Catholic paper, *Sion. Eine Stimme in der Kirche für unsere Zeit*, noted that even if Jews converted to Christianity, their fundamentally Jewish characteristics, like greed, would remain.⁵⁴ By contrast, the liberal newspaper *Die Presse* praised Jaques, noting that he had provided an excellent summary of the existing literature, while also discussing specific issues in relation to the Austrian context.⁵⁵ Nevertheless, *Die Presse* had reservations over Jaques's optimistic vision. Jaques had presented a legal, metropolitan viewpoint with no consideration for the 'jealousy, greed, and religious hate' against the Jews in the provinces.⁵⁶ Any programme for reform, counseled *Die Presse*, needed to use 'knowledge of the people' and to recognize the 'powerful and deeply rooted prejudices ... widespread in

⁵⁰ Ibid, pp. cviii.

⁵¹ Ibid, p. cix-cx.

⁵² Ibid, pp. 5 and 30.

⁵³ *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz*, 4 January 1860, p. 10.

⁵⁴ *Sion. Eine Stimme in der Kirche für unsere Zeit*, 9 February 1860 'Zur Judenfrage (Aus Österreich)'.

⁵⁵ *Die Presse*, 19 October 1859 'Zur Judenfrage'.

⁵⁶ Ibid.

the lower classes of the population'.⁵⁷ Indeed, Jaques's views reflected his elitist Viennese world of intellectual, progressive, secular liberals who believed history was on their side and that universal principles would triumph over prejudice and tradition. Jaques's optimism, sense of mission and intellectual environment blinded him to many difficult realities surrounding Jewish integration and acceptance.

Jaques's larger vision, within which he placed the Jews, was expounded in a lengthy book on Austria's history and its current condition published shortly afterwards. The book has an enormous scope, beginning with a long survey of Austria's history, continuing with sections on 'Finance, Trade, Agriculture' then 'Education and Religion'. In general, his opinions were based on recent history. For Jaques, the 1848-49 Revolutions had revealed the German-speaking population of Austria as desiring a material, spiritual, national, and political renewal.⁵⁸ The decade of the 1850s had placed 'the unity of the Empire' as its highest goal – a noble viewpoint according to Jaques – but, at the same time, had involved an absolutist government, no rights for citizens, no real freedom, and a retrogressive Concordat. The military defeats at Magenta and Solferino to French and Sardinian troops in 1859, according to Jaques, passed judgment on the neo-absolutist system – 'the death sentence was signed'.⁵⁹ No longer was it sufficient to rely on the three traditional pillars: the Catholic Church, the bureaucracy, and the army.⁶⁰ Jaques now called for as much freedom in politics and in parliament as possible, provided there is no harm to the unity of the Empire and the equality of nationalities.⁶¹

⁵⁷ Ibid.

⁵⁸ Jaques, *Österreich's Desorganisation und Reorganisation*, pp. 41-63.

⁵⁹ Ibid, p vii.

⁶⁰ Ibid, pp. iv-v.

⁶¹ Ibid, p. 206.

Pamphlets continued from Jaques's prolific pen as he wrestled with Austria's many pressing issues. In response to arguments in favour of Hungarian state rights and different provincial legal traditions, Jaques defended the concept of an Austrian integrated state (*Gesamtstaat*) and its concomitant 'Great Power' status on the international scene.⁶² Once again, the stated goal for Jaques was 'to combine the collective spiritual strength, the collective patriotism of its population' into a powerful Austria.⁶³ A subsequent pamphlet makes his support for a centralist system even clearer. Jaques praised the recently promulgated February Patent and its centralist Imperial representative body, the *Reichsrat*.⁶⁴ He also took the opportunity to outline the most important tasks for the new *Reichsrat* – reconciliation with Hungary, electoral reform, development of local self-administration, an independent judiciary, revisions to the civil and criminal laws, a new state education system, and guaranteed freedoms (including press, association and *Habeas Corpus*).⁶⁵

Within his writings around this time, Jaques grappled with the great questions facing the Monarchy. For nearly all of his positions, Jaques was searching for a *juste milieu*, balancing Austrian strength with the principle of freedom; promoting reform within the context of monarchical authority and societal order. His ideas and works were neither particularly innovative nor distinctive. They represented mainstream liberal ideals and evinced a fierce loyalty and commitment to a new Austria. It is significant that a young Jewish intellectual was prepared to enter the public realm and comment

⁶² Heinrich Jaques, *Über unser Parlament*, Vienna, 1861. It was written in response to Alois Czedik, *Das österreichische Parlament*, Vienna, 1861. Other arguments in favour of balancing Hungarian claims and the needs of the Austrian central state include Adolf Fischhof and Josef Unger, *Zur Lösung der ungarischen Frage. Ein staatsrechtlicher Vorschlag*, Vienna, 1861 and J.N. Berger, *Zur Lösung der österreichischen Verfassungsfrage*, Vienna, 1861.

⁶³ Ibid, p. 19.

⁶⁴ Heinrich Jaques, *Die Verfassung und unsere dringendsten Aufgaben: Eine Denkschrift*, Vienna, 1861.

⁶⁵ Ibid, pp. 34-44.

in depth on Austria's problems and policies. There is a natural assumption from Jaques that a Jew *could* play a role in the politics of the Empire. Throughout his publications, Jaques did not give his opinions from the perspective of a Jew, instead using capacious and potentially inclusive terms such as patriotism, freedom, *Bürgertum* and State as the basis of his political beliefs.⁶⁶ This is largely representative of moderate liberalism in the early 1860s and of the assumptions underlying emancipatory discourse; that Jews should participate as citizens and men (*Mensch*) rather than Jews.

It is hardly surprising with his ambition, patriotism, and interest in politics that Jaques would be involved in the 1861 elections, the first since 1848. The elections provoked enormous public interest and a wave of publications.⁶⁷ In the 1st district of Vienna, Johann N. Berger and Eugen Mühlfeld (1810-1868) – both lawyers and veterans of the Frankfurt Parliament – took leading roles in electoral organization. A series of meetings were held, first to determine an informal committee, then to decide on procedure (eg. to allow candidate speeches or not) and, finally, to recommend a list of candidates. On 17 February 1861 the pre-selection of 27 candidates was made at an official meeting. Heinrich Jaques collected 76 votes, which placed him just two outside the official list of candidates.⁶⁸ At a subsequent meeting Jaques queried the committee's decision not to hear candidate speeches, leading to Mühlfeld and Berger

⁶⁶ Ibid, p. 26

⁶⁷ See for example Kwan, *Liberalism and the Habsburg Monarchy*, pp. 27-45. For important background see Pieter Judson, 'Forcing Constitutional Change through Parliamentary Practice in 1861' and Jonathan Kwan, '“Öffentlichkeit”, Adressdebatten und die Anfänge des Parlamentarismus in der Habsburgermonarchie 1861-1867' in Franz Adlgasser, Jana Malinska, Helmut Rumpler and Lubos Velek (eds.), *Hohes Haus. 150 Jahre moderner Parlamentarismus in Österreich, Böhmen, der Tschechoslowakei und der Republik Tschechien im mitteleuropäischen Kontext*, Vienna, 2015, pp. 119-33 and 135-44.

⁶⁸ *Die Presse*, 17 February 1861, Evening Edition.

speaking against him.⁶⁹ Years later, when talking about his start in politics, Jaques characterized himself as a young, naïve activist, buttonholed by Mühlfeld and Berger to become a candidate in the suburban seat of Josefstadt.⁷⁰ In fact, Jaques had attempted a candidature in the 1st district but found the older generation of 1848ers blocking his path. Only then did Jaques turn his attention to Josefstadt.

On 18 March 1861 Jaques addressed an election meeting in Josefstadt as a candidate.⁷¹ Jaques acknowledged his youth (he was thirty years old) but pointed to his journalistic activity and private life as embodying his search for the truth. Jaques then went through his list of pressing political matters. Internationally, Austria's task was 'to develop German culture and carry it to the East'.⁷² In relation to Hungary, Jaques stated that he was against personal union and conceded that force may have to be used to maintain the necessary unity of the Empire. Domestically, he wanted state control of education, a revision to the Concordat and a widening of the constitution, including a clear jurisdiction for the *Reichsrat* in taxation and certain rights of interpellation for foreign affairs. There is a passing mention of his Jewishness, but he asked for a vote *because* of his confession, rather than *despite* it. Presumably he meant that talented Jews should be encouraged to participate in and contribute to Austrian politics. In general, his speech was received with approval and he had good prospects for election. In the final few days before election, however, Catholic figures in the district mobilized against the possibility of a Jew as a parliamentary representative and campaigned for the other liberal candidate, Cajetan Felder.⁷³

⁶⁹ *Die Presse*, 22 February 1861.

⁷⁰ *Neue Freie Presse*, 25 February 1891.

⁷¹ *Die Presse*, 19 March 1861, *Fremden-Blatt*, 19 March 1861, *Das Vaterland*, 19 March 1861.

⁷² *Das Vaterland*, 19 March 1861.

⁷³ *Die Presse*, 21 March 1861. The clerical support is made clear in *Die Presse*, 20 September 1884 'Von Dr. Felder'.

Felder, a local politician, lawyer and veteran of 1848 who would later become Mayor of Vienna, defeated Jaques by 418 votes to 201.⁷⁴ This mobilization was only a small example of the resistance and practical difficulties faced by the emancipationist and liberal goals of equal rights and full Jewish integration.

In any case, Jaques was not deterred and pursued his political dreams. For the Lower Austrian diet elections in 1867 Jaques again explored the possibility of running as a candidate in Vienna's 1st district, a safe liberal seat that had already elected a Jewish parliamentarian, Ignaz Kuranda. The important struggle was to get onto the recommended candidates list from the semi-official, *ad hoc* electoral committee. Jaques was unsuccessful in getting on the list and eventually respected the recommendations of the electoral committee.⁷⁵ In the same election Joseph Unger was a candidate in the suburban district of Hernals and was elected. Shortly afterwards, however, Unger was forced to resign due to nerves, an ongoing condition.

The December Laws of 1867 included a bill of rights for all citizens (Jews were not mentioned at all within the texts of these 'foundational laws'). Barriers and restrictions were thus removed, opening avenues and pathways for Jews. Gomperz, for example, could contemplate a career in academia and he swiftly became a private

⁷⁴ Two Jews attended the 1861 *Reichsrat* (they were both elected to the Lower Austrian Diet then sent as delegates to the *Reichsrat*). The journalist and veteran of 1848, Ignaz Kuranda, was elected in the 1st district while Simon Winterstein represented the Lower Austrian Chamber of Trade and Commerce. In subsequent decades, more Jewish parliamentarians were elected. See the annexure in Stachowitsch, *Jüdische Identitäten*, pp. 323-8.

⁷⁵ *Neue Freie Presse*, 31 January 1867.

lecturer (1867) then Professor of Classical Philology (extraord. 1869, ord. 1873).⁷⁶ A liberal, parliamentary government was also appointed, the famous *Bürgerministerium* (citizens' ministry), which included Berger as a Minister without Portfolio. Through various crises, liberal cabinets would govern for the next twelve years. Ministers would include Josef Unger, who served as Minister without Portfolio in the Adolf Auersperg government from 1871 until 1879, and a close friend of Unger's, Julius Glaser (another converted Jew and legal professor), who served as Justice Minister in the same government.

In subsequent elections, Jaques continued searching for a seat in parliament. He tried in Vienna's 2nd district, Leopoldstadt (home to many of Vienna's recent Jewish arrivals), then in a rural seat and finally, again in the 1st district in 1870. He failed in all these attempts. Jaques tried again in the 1st district in the 1873 *Reichsrat* elections. Perhaps reflecting the broadening of the electoral process and the motivation of direct elections to the *Reichsrat* (bypassing the regional diets for the first time), there were now a number of competing electoral committees and pronouncements from various associations about the list of candidates. The main liberal newspaper, the *Neue Freie Presse*, and the moderate Central Electoral Committee came out in favour of Jaques's candidature. The semi-official, powerful Lower Austrian constitutionally-loyal Electoral Committee, however, did not include Jaques on their list, nor did a local business association.⁷⁷ In the end, Jaques was not on the agreed liberal list and, once again, had to bide his time. There is no evidence that antisemitism played a role in the selection process, which was conducted largely in progressive, liberal circles.

⁷⁶ There were some examples of Jews (i.e. not converted) as Professors even in the 1850s, though this was extremely rare. Three professors were named in Gerson Wolf, *Josef Wertheimer. Ein Lebens- und Zeitbild*, Vienna, 1868, p. 131.

⁷⁷ *Neue Freie Presse*, 4 and 10 October 1873. The business association was the Verein für kaufmännische Interessen. *Neue Freie Presse*, 19 October 1873.

Typically, throughout this time, Jaques was active in a range of fields, including organizational activity and financial affairs (especially as a member of various railway company and bank boards), while also expanding his successful legal practice and writing a stream of publications. The 1860s and 1870s were decades of significant achievement for Jaques. His involvement in organizations and public work centred around his legal work. He was prominent in the *Juristische Gesellschaft Wien*, eventually becoming Vice-President, as well as being on the organizing committee for the Austrian branch of the *Deutscher Juristentag*, which included delegates from across the German-speaking lands.⁷⁸ He participated in Vienna's *Deutscher Verein*, providing for German refugees from Paris during the Franco-Prussian War.⁷⁹ Occasionally, Jaques's energy and ambition created tension. One example was his initiative to commemorate the first anniversary of Eugen Mühlfeld's death. Mühlfeld's fight against the Concordat and his death around the time the liberal government passed a series of laws abrogating the Church's powers (the May Laws of 1868) raised him to the status of a liberal hero. Jaques initiated plans for a memorial service to mark one year since Mühlfeld's death but encountered considerable resistance from the Committee for Mühlfeld's Statue, consisting of older liberals.⁸⁰ He continued to organize the service as a private citizen and friend of Mühlfeld's, then, at the last minute, brought in the *Juristische Gesellschaft* as a co-sponsor. The event took place in Vienna's *Musikverein* and consisted of choral music from Beethoven, Mendelssohn and Weber as well as Jaques giving a short speech and reading some of Mühlfeld's personal, unpublished poems. There was criticism in

⁷⁸ For example see the tribute given by the parliamentarian Max Menger in the Viennese Legal Association after Jaques's death. *Neue Freie Presse*, 26 November 1894 and Th. Olshausen, *Der deutsche Juristentag. Sein Werden und Wirken*, Berlin, 1910, p. 12-13.

⁷⁹ *Neue Freie Presse*, 9 September 1870.

⁸⁰ See the description and wording in the report *Neue Freie Presse*, 24 May 1869 and especially the critical comments in *Gerichtshalle*, 27 May 1869.

older, more conservative liberal circles that Jaques had circumvented the traditional avenues and had overtly linked his name closely with Mühlfeld's.⁸¹ A similar situation developed upon the death of Johann N. Berger on 9 December 1870. Berger had become a controversial figure, especially when, as Minister without Portfolio, he had broken ranks and advocated negotiations for a possible compromise in Bohemia. At Berger's funeral hardly any liberal politicians of note attended but Jaques defied the establishment and honoured his friend with an impromptu speech at the funeral.⁸² Jaques also gave a long tribute speech about Berger's broad interests and activities in the *Juristische Gesellschaft*.⁸³ In both of these situations, Jaques consciously placed himself within the Austrian liberal tradition of Berger and Mühlfeld, yet, at the same time, asserted an individual stance against powerful mainstream establishment figures.

Outside of politics, Jaques remained active within business and financial circles, especially through his membership on the boards (*Verwaltungsräte*) of railway companies and banks. Many of these opportunities came through his connection with the Rothschilds. The families shared the same privileged Viennese Jewish background and, over time, Jaques became a trusted associate of the Rothschilds. He joked in a letter to the writer Karl Emil Franzos that he could even use the Rothschilds' address as his own.⁸⁴ He served on the boards of the *Süd-Norddeutsche Verbindungsbahn* (in Bohemia and Moravia), the *Südbahn* (in direction of Trieste), and the *Theissbahn* (in Eastern Hungary), while also publishing a number of studies on railways covering

⁸¹ *Gerichtshalle*, 27 May 1869.

⁸² Berger, *Im Vaterhaus*, p. 188

⁸³ *Neue Freie Presse*, 10 February 1871 and *Zeitschrift für Notariat und freiwillige Gerichtsbarkeit in Österreich*, 8 March 1871 'Dr. Berger in seiner Wirksamkeit als Anwalt, Schriftsteller und Staatsmann'.

⁸⁴ Wienbibliothek. Nachlass Karl Emil Franzos, 63637. Letter Heinrich Jaques to K.E. Franzos 16 February 1879.

various legal and financial aspects.⁸⁵ In the financial world he served on the boards of banks and wrote on technical matters. For example, his involvement with the *Creditanstalt*, dated from soon after its creation in 1855. Jaques was involved in a revision to the bank's statutes in 1861, allowing for more international activity and lower capital.⁸⁶ He also vigorously fought against suggested amendments, which would have strengthened the executive body's power.⁸⁷ In his brochure on *Creditanstalt*, there are constant analogies with politics, illustrating how liberalism and its underlying principles permeated beyond politics into business, society, and everyday life. Jaques warned of absolute states, dictators, and Louis Napoleon, while professing his own 'sense of true constitutional freedom'.⁸⁸ He wrote, for example, that:

Again and again – the board of directors represents the leading chamber in a constitutional state, which has the trust of the electors. It or its responsible ministers must fall, if it has overstepped its authority, if it is no longer worthy of trust.⁸⁹

Politics and business, in Jaques's mind, had melded together as part of the larger liberal project. In 1866 he was elected to the board of *Creditanstalt* and served for sixteen years.⁹⁰

⁸⁵ Heinrich Jaques, *Die Rechtsverhältnisse der mit Zinsengarantie versehen Eisenbahn-Actiengesellschaften u. d. österr. Eisenbahnpolitik*, Vienna, 1864, Heinrich Jaques, *Die Reform der Eisenbahn-Gesetzgebung*, Vienna, 1866 and Heinrich Jaques, *Eisenbahnpolitik und Eisenbahnrecht in Österreich*, Vienna, 1878.

⁸⁶ Eduard März, *Österreichische Industrie und Bankpolitik in der Zeit Franz Josefs I. Am Beispiel der k.k. priv. Österreichischen Credit-Anstalt für Handel und Gewerbe*, Vienna, 1968, p. 117-21.

⁸⁷ Heinrich Jaques, *Verwaltungsrath und Directorium der Österr. Credit-Anstalt*, Vienna, 1861. See also *Die Presse*, 27 and 28 November 1861.

⁸⁸ *Ibid*, p. 31.

⁸⁹ *Ibid*, p. 28.

⁹⁰ März, *Österreichische Industrie und Bankpolitik in der Zeit Franz Josefs I*, pp. 116 and 246.

When the legal profession was deregulated in 1868, Jaques immediately set up his own practice. With his contacts in the railway, business, and banking worlds, he was extremely successful. He also proved to be an excellent trial lawyer – a gifted speaker with a ferocious work ethic and an impressive grasp of details and technicalities. His first prominent trial was an action by the financier Paul Schiff against the *Wiener Sonn- und Montags-Zeitung* for three articles alleging corrupt dealings in shares (known as the Schiff-Scharf trial).⁹¹ The two main issues were, first, to prove that the newspaper's owner Alexander Scharf had authored the articles and, second, to demonstrate that the assertions of corruption were untrue. In his testimony Scharf took responsibility for the article as the 'intellectual source', though he denied being the actual author. Scharf said that some of his information had come from Gustav Beyfuss, Jaques's brother-in-law. It was a pointed, personal barb addressed at Jaques. Beyfuss had been a secretary of *Creditanstalt* but following losses in the property market and on the stock exchange, he left in disgrace for America in January 1867. Louise Beyfuss and her children remained in Vienna and would later be the beneficiaries in Jaques's will, since Jaques never married. Throughout the trial there were heated exchanges between Jaques and Scharf. Jaques acknowledged his previous friendship with Scharf, including important political support, but in the context of the case, now regarded Scharf as the enemy. For example, Jaques mentioned that in private Scharf had admitted authorship, though officially the newspaper's editorial team refused to name any author.

The second issue in the trial concerned unethical transactions and insider trading. In his court testimony, Scharf described Schiff as an outsider from Hamburg who, under

⁹¹ See the reports in *Neue Fremden Blatt*, 12-21 July 1869.

the protection of the Rothschilds, had joined various boards of prestigious companies including the Austrian National Bank. The newspaper alleged that Schiff speculated on the stock exchange, including manipulation of the markets and abuse of his positions of influence. Jaques, in response, called eminent members of the financial elite as character witnesses. These included Simon Winterstein, member of the Upper House of Parliament (*Herrenhaus*) and President of the Viennese Chamber of Trade and Commerce, and Julius Goldschmidt, manager with the Rothschilds. Both were Jewish. To a large extent, Jaques and his world were closing ranks to defend the reputation of one of their own – a successful Jewish financier with diverse business interests and extensive foreign connections.⁹² Schiff only reluctantly gave testimony but basically made two points: first, he did have friendly relations with the Rothschilds but was not under their protection, and second, as a head of a large bank he was merely handling his business as others did. In his summing up, Jaques characterized the case, consciously or not, as demonstrating the potential of Jews in the wider world. Schiff had, through ‘activity, diligence and honesty’ achieved much, despite being a foreigner and a Jew.⁹³

Mr. Schiff came to Vienna as a poor man and he is a Jew; two conditions which posed difficulties. Nevertheless, he has been a success in all circles, social (*bürgerlich*) as well as business and administrative, and has attained a level, which even grey [old] men born on Austrian soil have not achieved.⁹⁴

Thus for Jaques, it was a case of an outsider and a Jew who, through hard work and talent, had achieved success but then suffered unfair, unfounded criticism. Like the

⁹² Along with his Hamburg origins, Schiff was the Viennese representative for Gerson Bleichröder’s bank, Bismarck’s personal financier. On Bleichröder see Fritz Stern, *Gold and Iron. Bismarck, Bleichröder, and the Building of the German Empire*, London, 1977.

⁹³ *Neue Fremden Blatt*, 17 July 1869.

⁹⁴ *Ibid* and *Neues Wiener Tagblatt*, 17 July 1869. The wording in the newspaper articles is slightly different.

Zugschwerdt case a decade earlier, Jaques was again prominently linked with a court case involving Jewish financiers. The Schiff-Scharf trial caused a sensation and made Jaques's reputation in the courtroom. Jaques would later participate in a number of high profile legal cases, often involving the intersection between the press, the financial world and politics.⁹⁵

The case also created an enemy in Alexander Scharf and his newspaper. After the 1870 elections, the *Wiener Sonn- und Montags-Zeitung* published an antisemitic attack on Jaques entitled 'The "eternal Jew" as electoral candidate'.⁹⁶ The article presented Jaques satirically as an expert on all current affairs (railways, government, banks, Jews), as a pragmatic, shifting devotee of famous people (Berger and Mühlfeld), as the recipient of millions in credit thanks to his Uncle, and as a persistent, selfish politician-in-waiting.⁹⁷ Jaques thus became the symbol of the 'eternal Jew' – rich, self-serving, clever (but not original or profound), and omnipresent – impatient to move into politics. Incredibly, Alexander Scharf, a successful and liberal-minded Jew himself, had facilitated this attack on Jaques.

Despite the setbacks and criticism of his political ambitions, Jaques continued pushing for a seat in parliament. In 1879 Jaques used his long experience in political campaigns to good effect. He attended the various informal committee meetings and

⁹⁵ These included Urwähler (1871), Linz Industry and Commercial Bank (1875), Dutschka (1875), Bachmayer-Frey (1880), Goldschmidt-Lueger (1882), Königinhofer (1886) and Prohaska (1891). The Goldschmidt-Lueger case is discussed in Kwan, 'Liberalism, Antisemitism and Everyday Life in Vienna' (forthcoming).

⁹⁶ *Wiener Sonn und Montags-Zeitung*, 26 June 1870. 'Der "ewige Jude" als Wahlcandidat'.

⁹⁷ Ibid.

made numerous candidate speeches, mostly following the standard liberal line. In the speeches he never mentioned that he was Jewish. Only one candidature was open in the 1st district and it came down to a choice between Jaques or the more conservative, government candidate Wilhelm Gunesch. After considerable speculation and maneuvering, Jaques had the support of business circles and most of the liberal voters. In his final speech, Jaques explicitly placed himself in the tradition of Mühlfeld and Berger as well as the 1848 revolutions.⁹⁸ In the election Jaques received 1,761 votes and attained an absolute majority.⁹⁹

As Jaques took his hard-won seat in parliament, his life had, to some extent, mirrored political, legal, and social changes from 1848 onwards. He had participated in the 1848 revolutions and had experienced the sense of optimism and possibilities. Austria, it seemed, could be reformed in line with liberal principles – a constitution, representative bodies and a bill of rights – and Jews would be treated as ordinary citizens, even participating in the new politics, such as the revolutionaries Adolf Fischhof and Joseph Goldmark. Jaques matured in the 1850s and developed many of his fundamental principles and ideas in discussion with other young men of the time. While Jaques opposed neo-absolutism's clericalism, censorship, police presence and lack of representative bodies, he supported the central state and bureaucratic standardization. Once Franz Joseph was forced to open the system in response to military defeat and financial difficulties in the late 1850s and early 1860s, Jaques eagerly participated in the wide-ranging public discussions about Austria's situation and possible future direction. He also attempted to gain a seat in parliament. Following another military defeat, the 1867 series of laws granted a bill of rights,

⁹⁸ *Morgen-Post*, 25 June 1879.

⁹⁹ *Morgen-Post*, 1 July 1879.

effectively enshrining Jewish emancipation. This seemed to confirm to Jaques and reform-minded Jews that history was on their side, that Jews would be members of society like all other citizens.

The elections of 1879 were a turning point, both for Jaques and the liberal movement. The liberals had been in power for two decades and had become the establishment, while their opponents were growing in strength and attacking them for high-level corruption and elitist government. At the same time, the liberals confronted the Emperor over foreign affairs, fighting the 1879 election largely on this matter of executive-legislative prerogatives. After losing their majority, the liberals moved into opposition and the new Taaffe government relied on a coalition of conservatives, Czechs and Poles.¹⁰⁰ The weakness of the liberals held potential dangers for Jews who had flourished during the liberal era. Legal emancipation had been enacted but integration was only partial at best and faced considerable resistance, both from within Jewish ranks and in the wider world. Most secular Jews still socialized, intermarried and worked with other Jews (or converted Jews), though there was increased and often significant contact with Gentiles, especially in the cultural, business and progressive-minded worlds. Antisemitic tropes and sentiments, which had always been evident in Catholic circles, targeted prominent Jews like Jaques and were increasingly used by a wide-range of politicians across the political spectrum, including the rising German nationalist wing and the Czech parties. Questions over Jewish integration, influence and loyalty increasingly became sources of passionate, heated discussions and disagreements both in politics and general society.

¹⁰⁰ Kwan, *Liberalism and the Habsburg Monarchy*, pp. 91-140.

How did the Jews in Jaques's milieu respond? Many Jews kept quiet, continued to follow the assumptions of emancipation and liberalism, acculturating as much as possible through *Bildung* and the adoption of prevailing norms and behaviour. History was, hopefully, still on the side of the Enlightenment and of liberalism. According to this viewpoint, antisemitism was an antiquated, medieval prejudice that would gradually disappear with the onward march of progress. Theodor Gomperz, for example, believed that Jews should 'see through the process of assimilation with the rest of European humanity to the end' and expressed the wish that his children convert to Christianity.¹⁰¹ His eldest son, Heinrich Gomperz (1873-1942) – a distinguished philosopher who, like his father, attained a chair at the University of Vienna – converted to Protestantism in 1910. In an essay written in American exile, he wrote that '[i]n our family the Jewish tradition was almost extinct. It had, as my father once expressed it, "*un pieux souvenir de famille*" [a pious family memory]'.¹⁰² Another example of this attitude is the case of Ernst Gombrich (1909-2001), the art historian. In a lecture given late in his life, he reflected on his upbringing in wealthy, middle-class Viennese Jewish circles. His Jewish parents had converted to Protestantism in 1905 and he had lived a largely secular life of scholarship and *Bildung*. Gombrich vigorously objected to portraying the world of 'Vienna 1900' as an essentially Jewish phenomenon, regarding the search for 'Jewish culture' in patronage and creativity as 'an invention of Hitler'.¹⁰³ Gombrich wrote that: 'I used to think I was Viennese, or an Austrian, but then a large number of my fellow citizens

¹⁰¹ Robert Kann (ed.), *Theodor Gomperz. Ein Gelehrtenleben im Bürgertum der Franz-Josefs-Zeit*, Vienna, 1974, p. 23 and 171-6. From Gomperz's testament dated 22 March 1887, written before a long trip to Greece.

¹⁰² Heinrich Gomperz, 'Autobiographical Remarks' in Daniel Robinson (ed.), *H. Gomperz, Philosophical Studies* (Boston, 1953), p. 15. Heinrich Gomperz fled Austria in 1935.

¹⁰³ Ernst Gombrich, *The Visual Arts in Vienna circa 1900 + Reflections on the Jewish Catastrophe*, London, 1996, pp. 9, 24 and 26. See also E. H. Gombrich 'An autobiographical sketch' in E.H. Gombrich, *Topics of our Time. Twentieth-century issues in learning and in Art*, London, pp. 11-24. Gombrich left Austria in 1936.

discovered that I was non-Aryan'.¹⁰⁴ For these secular-minded Jews, their home was Vienna, the Austrian state, liberal principles and German humanist culture. Late in his life Unger wrote that 'Goethe, Hegel, Ranke – they are the three stars to which I have looked upwards for my whole life.'¹⁰⁵ As for Jaques, like many in his milieu, he remained committed to liberal beliefs and to Austria until the end of his life. Yet, increasingly from the early 1880s onwards, he was confronted with the breakdown of the Austrian liberal project along with rising antisemitism, intolerance and prejudice. In all probability the dissonance between his youthful dreams and the daily, difficult realities in the 1880s contributed to his mental illness and suicide.¹⁰⁶ For Jews like Jaques – through antisemitism, Zionism and innumerable personal, political, social, legal and international events – they tried to hold onto the hopes and dreams of acceptance, integration and a common humanism. Their idealism defined their lives.

¹⁰⁴ Ibid, p. 28.

¹⁰⁵ Josef Unger, *Mosaik der 'Bunte Betrachtungen und Bermerkungen'*, Leipzig, 1911, p. 187.

¹⁰⁶ This was the opinion of the liberal leader Ernst Plener. See Ernst Plener, *Erinnerungen*. Band 2: *Meine parlamentarische Tätigkeit 1873-1891*, Stuttgart and Leipzig, 1921, p. 234.