Introduction

James Loeffler and Moria Paz

We think of international lawyers as "a society of Brahmins," Justice Robert Jackson told the American Society of International Law in an April 1945 lecture, "but it would be nearer the truth to say that it is a collection of pariahs." Jackson's suggestive comment came at a key juncture in the history of international law. Two weeks later, the United Nations Conference on International Organization opened in San Francisco, where the nations of the world gathered to negotiate a legal charter for a new post-war era of global community. The following month Jackson stepped down from his position on the U.S. Supreme Court to begin his tenure as the chief American prosecutor of the Nuremberg trials. Both events combined to form what he called "one of those infrequent occasions in history when convulsions have uprooted habit and tradition in a large part of the world and there exists not only opportunity, but necessity as well, to reshape . . . international law."[1]

This kind of change did not come easy. Many obstacles stood in its way. The task of transforming international law, Jackson argued, began with diversifying the profiles of its practitioners. The cozy, insular nature of the profession had long prevented its message from taking root more broadly in society. A generation earlier, he reminded his audience, President Woodrow Wilson had told a meeting of the International Law Society at Paris in 1919 that international law had become the province of an elite sect, "handled too exclusively by the lawyers." In fact, Jackson now explained, the problem ran deeper. It was not merely lawyers, but "a too exclusive group of lawyers," divorced from the rest of society, who had failed to "bring international law out of the closet where President Wilson found it and impress it upon the consciousness of our people."[2] It was the very cloistered elitism of

[1] Robert H. Jackson, *The Rule of Law Among Nations, Address Delivered at the American Society of International Law* (April 13, 1945), 10 Am. Soc. Int'l L. Proc., 10, 13 (1945).
[2] *Id.* at 13.

international lawyers that had led to their progressive marginalization. The Brahmins had become pariahs.

In truth, Jackson's remarks belied his own power as well as that of his fellow members of the American Society for International Law. They were much more insiders than outsiders. Jackson himself represented the highest legal authority of the most powerful government in the world at the time. In authoring the International Military Charter, he literally wrote the Nuremberg trials into existence. But in another sense Jackson's 1945 reflections about law and identity do point to a number of perennial questions that scholars regularly grapple with today: Who writes international law? And when and why do they choose to do so? Is international law a product first and foremost of strong, powerful states and their political elites, who selectively consent to constraints on their power or that of their opponents? Or does it emerge from the ranks of the weak and the marginal, state and non-state actors, who seek to realize ideals of justice and community above and beyond the realm of state sovereignty? Is the story of modern international law, in other words, one written by pariahs or by Brahmins?

In the twentieth century, it was above all the Jews who came to embody these questions. In the spring of 1945, when Jackson delivered his remarks, the Allied forces had only just begun to liberate the death camps of Europe. The problem of justice took on a terrible new meaning in light of the Holocaust. After Auschwitz, it was hard not to look at Jews as the ultimate example of a people failed by international law. Their suffering elevated them into the consummate symbol of the universal victim, the quintessential pariah.[3]

Yet the twentieth century was undeniably also an age of distinguished individual Jewish legal achievement. Across Europe, the United States, and beyond, Jewish lawyers made dramatically outsized contributions to international law in the fields of human rights and humanitarian law, genocide and atrocity law, and legal philosophy. Some of these individuals are well known today, including many recognized titans in the annals of international law, such as Thomas Buergenthal, Louis Henkin, Rosalyn Higgins, Hans Kelsen, Hersch Zvi Lauterpacht, and Lassa Oppenheim. Other figures continue to command a select measure of public attention and even heroic acclaim, such as René Cassin and Raphael Lemkin. Behind them stand a long line of other

[3] Hannah Arendt, *The Jew as Pariah: A Hidden Tradition*, 6 Jewish Social Studies Feb. 1944, at 99.

distinguished Jewish international lawyers, who left deep imprints in the history of law and legal thought even as their names grew obscure over time.[4]

It is easy to chart this pattern of individual Jewish achievement in the realm of international law, but much harder to reconcile this visible success with the image of collective Jewish marginality.[5] A case in point is Nuremberg. Recent years have brought dramatic attention to the impact of a small cluster of European-born Jewish international lawyers on the formulation of international criminal law at the close of World War II. Many commentators explain that their very powerlessness and suffering as victims of war, genocide, and antisemitism impelled these individual Jews to seek remedies in the realm of international justice. As scholars have now documented, figures like Lemkin, Lauterpacht, Sheldon Glueck, and Jacob Robinson operated behind the scenes to draft legal briefs and prosecutorial statements, provide crucial material evidence, and forge the very concepts of "crimes against humanity," the "crime of aggression," and "genocide."[6] They could not have achieved any of this impact were they not granted unprecedented access to the centers of global legal power at the time. Yet in other ways these individuals were also deliberately excluded by the American and British governments on account of their Jewishness. In some cases this discrimination rose to the level of blatant antisemitism that closed off professional pathways and public opportunities.

Hence when surveying the story of Jews and Nuremberg, it is clear that both images are accurate. These Jewish international lawyers were both minority outsiders and individual legal insiders, present and absent at the same time. In

[4] Among others, these include the likes of Tobias Asser, Norman Bentwich, Yoram Dinstein, Nathan Feinberg, Ernest Frankenstein, Wolfgang Friedmann, Sheldon Glueck, Paul Guggenheim, Georg Jellinek, Erich Kauffmann, Manfred Lachs, Ruth Lapidoth, Max Laserson, Charles-Léon Lyon-Caen, Theodor Meron, Boris Mirkin-Guetzévitch, Marion Mushkat, Emil Stanisław Rappaport, Charles Salomon, Jerzy Sawicki, Stephen Schwebel, Judith Shklar, Louis Sohn, Aron Trainin, and Mark Vishniak.

[5] Dietrich Beyrau, *Disasters and Social Advancement. Jews and Non-Jews in Eastern Europe*, Osteuropa, 2008, at 25.

[6] Michael Marrus, *Three Jewish Émigrés at Nuremberg: Jacob Robinson, Hersch Lauterpacht, and Raphael Lemkin in* Against the Grain: Jewish Intellectuals in hard times, 240 (Ezra Mendelsohn, Stefani Hoffman, and Richard I. Cohen, eds., 2013); Martti Koskenniemi, *Hersch Lauterpacht and the Development of International Criminal Law*, 2 J. Int'l. Crim. Just., 810 (2004). See also the recent work of Philippe Sands, East West Street: On the Origins of 'Genocide' and 'Crimes against Humanity' (2016) and James Loeffler, Rooted Cosmopolitans: Jews and human Rights in the Twentieth Century (2018).

truth, that tension between exclusion and accomplishment runs through the larger modern story of Jews and modern international law. It is possible to be at once both Brahmin and pariah.[7]

Making sense of those diverse, shifting, and often contradictory Jewish roles in the international legal profession – and the intertwining of personal and professional identities in the creation of international law – are the twin goals of this book. We wish to explore the undeniable interaction between Jewish minority experience and international legal activism. Yet we also seek to avoid reducing our inquiry to facile clichés or interpretative overreach in pursuit of biographical uniformity for the sake of coherence. In fact, we believe that close examination of the Jewish case invites a larger reconsideration of the intertwined fates of insiders and outsiders, Brahmins and pariahs, lawyers and law in the domain of modern legal history.

That re-evaluation begins with a core set of questions: Does personal biography drive legal thought? Do individual and collective historical experiences leave their marks on the shape of modern law? What constitutes the Jewish "contribution" – a loaded word with its own genealogy – to international law?[8] Is it the sum total of novel legal ideas by individual Jews? The large-scale passage of Jews into specific sectors of the legal profession? Or a narrower subset of legal concepts with discernible Jewish cultural or religious paternities? And who decides? In what follows, we offer a brief

[7] A parallel story might be told of Jewish involvement in the Soviet prosecution at Nuremberg. See Francine Hirsch, *The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order*, 113 Am. Hist. Rev., 701 (2008), and Michelle Jean Penn, The Extermination of Peaceful Soviet Citizens: Aron Trainin and International Law (2017) (unpublished Ph.D. dissertation, Univ. of Colorado at Boulder). On the related story for Communist Poland, see Tadeusz Cyprian and Jerzy Sawicki, Prawo Norymberskie (1948), Jerzy Sawicki, Ludobójstwo: od pojecia do konwencji, 1933–1948 (1949), Marion Mushkat, Polish Charges against German War Criminals Submitted to the UN War Crimes Commission (1948), and Marion Mushkat, The Protection of Human Rights (1948).

[8] *See* The Jewish Contribution to Civilization: Reassessing an Idea (Jeremy Cohen & Richard Cohen, eds., 2008). Jeffrey Shandler describes the Jewish practice of "inventorying" as a "hallmark of modern Jewish culture, which also engages the modern practice of celebrity, [and] involves listing renowned or accomplished Jews: great theologians, writers, military heroes, scholars, politicians, artists, athletes. This is a totemic practice, providing Jews with rosters of worthy members of their people parallel to emblematic lists of other peoples." Jeffrey Shandler, Keepers of Accounts: The Practice of Inventory in Modern Jewish Life, Address before University of Michigan for David W. Belin Lecture in American Jewish Affairs (Mar. 11, 2010) (transcript available at the Jean & Samuel Frankel Center for Judaic Studies), http://hdl.handle.net/2027/spo.13469761.0017.001.

survey of prior key attempts to answer these questions, before proceeding to discuss the organization and main conclusions of this book.

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Any discussion of Jews and international law must begin by confronting a basic paradox of Jewish history. Modern Jews hailed from an ancient religious civilization suffused by law and legal consciousness. From Abraham's famous arguments with God through the legal contractual structure of Biblical theology to the sanctification of law itself in Rabbinic Judaism, Jews imagined the world in terms of a comprehensive legal humanism. Furthermore, from antiquity onward Jews found themselves deeply engaged with world events and global empires, whether in their ancient homeland or in centuries of diasporic exile. Yet at the same time the immense written record of Jewish thought displays virtually no interest in the concept or practice of international law. Even in more recent times, when Jews found themselves in the heart of an early modern Christian Europe beginning to create the Law of Nations, the rabbis scarcely acknowledged the development. The same held true well into the nineteenth century, as questions of Jewish religious jurisprudence and European civil law acquired urgent political significance. There too neither rabbis nor secular Jewish intellectuals took up the subject of international law. Even as Jews began flocking to the European legal profession in massive numbers in the late nineteenth century, they hardly exhibited conspicuous collective interest in international law. Why, then, did some Jewish attitudes begin to change in the early twentieth century? How do we explain the dramatic boom in international Jewish lawyers that dates from that time and continues up until the present?[9] In what follows, we survey four key approaches to answering these questions: (a) primordialist; (b) modernist; (c) antiquarian; and (d) biographical.

The first author to parse the meaning of this modern pattern of Jewish international lawyering was himself a symbol of it. During World War I, New York international lawyer Arthur Kuhn (1876–1954), one of the founders of the American Society for International Law, set out to investigate the link between Jews and international law. In his 1917 article, "Jewish International Lawyers," published in the leading American Jewish intellectual organ of his day, the *Menorah Journal*, he eagerly catalogued the large number of Jews involved in the international legal profession. Kuhn attributed this

[9] James Loeffler, "*A long Jewish tradition?*": *The Promise and Peril of Jewish Legal Biography*, to appear in Annette Weinke and Leora Bilsky, eds., Émigré Lawyers and International Law, in preparation.

phenomenon to an ingrained "aptitude for controversial reasoning and a keen sense of ethical issues," along with the Jewish outsider mentality, since in international law "there is an especial need for detachment from local viewpoints and the ability to escape in thought from purely national environment."[10]

To explain the disjuncture between the preponderance of modern Jewish lawyering and the evident lack of Jewish participation in the development of Western international legal thought, Kuhn resorted to a rhetorical strategy of historical esotericism. He ascribed a hidden Jewish genealogy to modern international law. Judaic heritage filtered through sixteenth- and seventeenth-century Christian Hebraism had actually produced the key ideas of modern sovereignty and international law. Operating in a period in Western history "in which Christian dogma and formalistic theology ruled upon a narrow and bigoted plane," he explained, the Dutch Christian Hugo Grotius turned to the "ancient Mosaic law," with help from contemporary European rabbis, to find inspiration for his conception of the Law of Nations. The same held true in the other canonical works of Jean Bodin and John Selden. By virtue of their extensive reliance on Jewish religious sources, these Christian legal thinkers "may fairly be referred to as 'Jewish' in the objective rather than the subjective sense."[11] Thus, even if Jews did not directly perform intellectual labor in the workshops of Western legal thought, then, their ideas and their figural presence catalyzed the Western international legal imagination.[12]

In spite of its empirical limitations and apologetic character, Kuhn's idea of a hidden Jewish genealogy to international law has remained an attractive if contentious theme across the twentieth century.[13] The English-born Israeli international lawyer Shabtai Rosenne, the subject of a chapter and commentary in the present volume by Rotem Giladi and Philippe Sands, respectively, pondered the same question repeatedly from the 1950s to the 2000s. Like Kuhn, he gestured, albeit somewhat vaguely, to the Jewish contribution to the late medieval and early modern Christian Protestant formulation of international law as part of "the threefold heritage of the ancient Mediterranean world, the heritage of Rome, Athens, and Jerusalem." Proud as he was of this claim to

[10] Arthur Kuhn, *Jewish International Lawyers*, 3 The Menorah Journal 274 (1917).
[11] *Id.* at 275.
[12] Besides his amateur legal historical scholarship, Kuhn also joined in one of the first efforts to mobilize international law to combat European antisemitism. *See* Arthur Kuhn, International Law and the Discriminations Practiced by Russia under the Treaty of 1832 (1911).
[13] See, for instance, Nathan Isaacs, *The Influence of Judaism on Western Law*, *in* The Legacy of Israel, 385 (E. Bevan & C. Singers, eds., 1927).

influence, Rosenne acknowledged the paucity of rabbinic discourse on international law. In search of an exception, he pointed to the figure of Benedict (Baruch) Spinoza. This was an odd choice, he conceded, because Spinoza held a reputation as both a renegade Jewish apostate and the author of a "pessimistic," Hobbesian view of international law. Yet Rosenne held out hope that "more thorough research into Spinoza's influence on the development of the philosophy of law and international relations" might yield an image of "these concepts more closely to the relevant Jewish teachings" and certify Spinoza as a proponent of "the international Messianism which has appeared through Jewish thought from the days of the Prophet Isaiah onwards."[14]

In his desire to locate primordial Jewish roots for legal universalism in some esoteric tradition, Rosenne stepped beyond the bounds of available historical evidence. Nevertheless, his genealogical impulse has continued to resonate down to the present. In recent years, political scientists and historians working in the nascent field of Hebraic political studies have revived the search for overlooked Jewish antecedents. Through close rereadings of early modern Christian thinkers, these scholars argue that Western legal thought emerged from a deep European engagement with images and texts drawn from classical Judaism.[15] Meanwhile, working from the other direction, an even newer strain of scholarship has sought to retrace how traditional rabbinic authorities actually approached questions of international law.[16]

[14] Shabtai Rosenne, *The Influence of Judaism on the Development of International* Law: *An Assessment*, *in* Religion and International Law, 71 (Mark Janis & Carolyn Evans, eds., 1999). Rosenne's essay was a revised version of a study he first published four decades earlier as *Hashpa'at ha-yahadut al ha-din ha-beinle'umi*, 3 Ha-praklit, 1957, at 3, and Rosenne, *The Influence of Judaism on the Development of International Law*, 5 Nederlands Tijdschrift voor International Recht 119 (1958). *See also* S. Rosenne, An Intl. L. Miscellany, 509 (1993). For other similar genealogical approaches, *see* Cyril Picciotto, *International Law in Its Bearing upon the Jewish Question*, the sentinel, May 1912, at 9 and Prosper Weil, *Le Judaïsme et le Développement du Droit International*, 151 Recueil des cours, 252 (1976).

[15] Political Hebraism: Judaic Sources in Early Modern Political Thought (Gordon Schochet, Fania Oz-Salzberger, & Meirav Jones, eds., 2008); Eric Nelson, The Hebrew Republic: Jewish Sources and the Transformation of European Political Thought (2011). All the same, other scholars have argued that the deep pattern of Christian theological antipathy toward Judaism left its traces in early international law. *See* David Kennedy, *Images of Religion in International Legal Theory*, *in* The Influence of Religion on the Development of International Law, 151 (Mark Janis, ed., 1991).

[16] Amos Yisrael-Flishauer, Yahas he-halakhah li-mishpat ha-beinle'umi: nituah ha-pesikah u-netuah tehelikhi (2011) (unpublished Ph.D. dissertation, Tel Aviv University); Michael Broyde, *Public and Private International Law from the Perspective of Jewish Law*, *in* Oxford Handbook of Judaism and Economics, 365 (Aaron Levine, ed., 2010); Ilan Fuchs and Aviad Yehiel Hollander, *National Movements and International Law: Rabbi Shlomo Goren's Understanding of International Law*, 2 J. L. & Rel. 29, 301 (2014); Alexander Kaye, The Legal

Rather than define some sort of primordial genealogical relationship between international law and Judaism, another line of inquiry has taken a modernist approach. These scholars have focused on the political and sociological conditions obtaining in nineteenth-century Europe and thereafter as the primary inspiration for the Jewish gravitation to international law as career and cause. Legal historian Pnina Lahav, as one example, has proposed a modernist counter-genealogy to primordialists hunting in the European past in search of forgotten Judaic roots. She suggests that nineteenth- and twentieth-century European Jews turned to international law as a vision for concrete legal protection against state violence and official discrimination on the one hand and a post-traditional utopian re-envisioning of international community on the other:

> My admittedly broad hypothesis is that in the "age of reason," the promise of international law touched a deep chord in the heart of Jewish scholars. The ideal of a law of nations, a government of nations, external and superior to the nation-state, had a very powerful appeal to the recently emancipated Jews. For if a legal system superior to positive municipal law could be constructed, then Jews would find relief from the prejudices and discrimination embedded in that municipal law. Further, the universalist and somewhat Utopian idea of a law of nations and a government of nations invoked the prophetic Jewish yearning for a Messianic age of peace and harmony. I suggest that it was this combination – the relief from prejudicial chauvinism on the one hand, and the yearning for a New World Order on the other – that attracted Jewish students to international law.[17]

Lahav's explanation tracks closely against a larger conventional narrative of international law as an alternative political vision of a supranational authority that would substitute transnational governance for traditional state sovereignty. There is an intuitive logic to this account. Living as a stateless minority in historical diaspora, European Jews were particularly sensitized to issues of modern state power and territorial sovereignty. The more Jews confronted the dramatic expansion of state-driven violence and the perils of statelessness in the twentieth century, the more they imagined international law to be a compelling realm of transnational human community and avenue for global justice. Still, any empirical test of this hypothesis requires grappling with the evident diversity in how Jews actually conceptualized, practiced, and

Philosophies of Religious Zionism, 1937–1967 (2012) (unpublished Ph.D. dissertation, Columbia University).

[17] Pnina Lahav, *The Jewish Perspective in International Law*, 87 Am. Soc. Int'l L. Proc. 331, 332 (1993).

interpreted international law. In reality, some Jewish lawyers reified sovereignty while others critiqued it – and sometimes the same person did both. Indeed, the familiar image of Jewish legal internationalism must be balanced against the substantial roster of prominent Jewish figures who struck decidedly arch-positivist and sovereigntist positions regarding international law.[18]

Another complicating factor is the that most modern European and American Jews framed their pursuit of political equality *not* in terms of transnational rights but national citizenship. Jewish appeals to the Law of Nations and the Rights of Man came rarely in the long nineteenth century; applications for the Rights of Citizen proved the norm. Even when late nineteenth-century and early twentieth-century Jewish elites in Western Europe and the United States sought to combat persecution of fellow Jews in Eastern Europe and the Middle East, they typically used the power of their own citizenship as the basis for their calls for diplomatic intervention based on bilateral treaties or imperial politics.[19] None of this invalidates the possibility of a sociological basis for the Jewish predilection for international law. On the contrary, it only deepens the need for systematic historical studies of the profession of Jewish international lawyering.

The clash between primordialist and modernist narratives continues to inform much present-day scholarship. At the same time, a third cohort of scholars has adopted a minimalist approach to parsing the meaning of Jewish international lawyering. Rejecting both primordialist and modernist narratives, they dismiss the possibility of explaining the Jewish historic affinity for international law in terms of any shared Jewish values, identities, or interests.[20] They treat Jewish international lawyering as an accident of circumstance best chronicled in

[18] Thus, for instance, the internationalist efforts of Lauterpacht in the 1940s and Lemkin in the 1950s were vigorously opposed by the Jewish dean of Yale Law School, Edwin Borchard, one of the leading American international law scholars of his day and a highly vocal isolationist. *See* Elihu Lauterpacht, The Life of Hersch Lauterpacht 188 (2010) and Mira Siegelberg, *Unofficial Men, Efficient Civil Servants: Raphael Lemkin in the History of International Law*, 15 J. Genocide Res. 297, 307 (2013).

[19] Read in this light, the Zionist drive for sovereignty in a Jewish nation-state can be seen not as a rejection of the liberal model but as an attempt to create a political framework in which Jews could realize citizenship precisely along the Western model. *See* Orit Rozin, A Home for All Jews. Citizenship, Rights, and National Identity in the New Israeli State (2016). On Israeli lawyers and international law, *see* Rotem Giladi, *A "Historical Commitment"? Identity and Ideology in Israel's Attitude to the Refugee Convention 1951–4*, 37 Int'l Hist. Rev., 745 (2014).

[20] In the first instance, this is manifested in the decision by some scholars simply to pass over in silence the Jewish identities of some legal luminaries. See, for instance, the absence of Jewishness as a category of analysis in the specific treatment of figures Lassa Oppenheim, Hans Kelsen, and Hersch Lauterpacht in the Oxford Handbook of the History of International Law (Bardo Fassbender & Anne Peters, eds., 2012).

antiquarian fashion without ascribing it larger historical meaning. In his 1999 study of German Jewish international lawyers, Kurt Siehr refuses to speculate "about the Jewishness of private international law and comparative law," on the grounds that doing so would constitute a false concession to "nationalism or racialism in law and justice."[21] Likewise, in their 866-page anthology, *Jurists Uprooted: German-Speaking Émigré Lawyers in Twentieth-century Britain* (2004), the most comprehensive biographical lexicon of Jewish lawyers to appear to date, editors Jack Beatson and Reinhard Zimmermann deliberately reject any link between these lawyers and their Jewish identities. They write: "Jewishness can unambiguously only be defined as a matter of religion. The concept of 'a' Jewish culture . . . is an artificial fabrication of anti-Semitic (as well as Zionist) ideology."[22] Zimmermann and Beatson evince anxiety that the sociological study of Jews as an ethnic group shaped by historical experience, cultural traits, or political ideologies equates automatically with racial essentialism. They assert that a fundamental danger inheres in any such investigations. Ironically, however, the solution they offer is to advance the alternative idea that religion is a more stable and less politically dangerous category of analysis and ascription than shared culture.[23] This ignores the fact that religion and culture can hardly be separated by a clear line in Jewish historical experience. Any attempt to do so is itself a product of the post-Enlightenment Western liberal framework, which insisted on stripping Jews of their collective identities as part of a premodern ethnoreligious community in order to integrate them as individual citizens into the modern nation-state. Nor does it do justice to the generations of Jews who have consciously defined themselves as an ethnic group, a secular culture, or a nation.[24]

[21] Kurt Siehr, *German Jewish Scholars of Private International Law and Comparative Law – Especially Ernst Frankenstein and His Research*, *in* Mélanges Fritz Sturm: offerts par ses collèges et ses amis à l'occasion de son soixante-dixième anniversaire 1673 (Fritz Sturm & Jean-François Gerkens, eds., 2d. vol., 1999).

[22] Uprooted: German-Speaking Émigré Lawyers in Twentieth-century Britain (Jack Beatson & Reinhard Zimmermann, eds., 2004). A parallel effort in the American context is Ernst C. Stiefel and Frank Mecklenburg, Deutsche Juristen im amerikanischen Exil (1933–1950) (1991). On the issues of reconstructing the Jewish presence in the German legal profession, see Konrad Jarausch, *Jewish Lawyers in Germany, 1848–1938. The Disintegration of a Profession*, 36 Leo Baeck Inst. Y.B., 171 (1991).

[23] As Zimmermann writes elsewhere, "The Jews are the people of the Law. Belief in, and devotion to, justice and scholarship belong to the constituent elements of Jewish identity. Thus, even within a predominantly gentile environment, a strong Jewish community can be expected to render, or to have rendered, a significant contribution to legal scholarship." Reinhard Zimmermann, *The Contribution of Jewish Lawyers to the Administration of Justice in South Africa*, 29 Isr. L. Rev. 250 (1995).

[24] On the historiography of Jewish identity, particularly in modern Central Europe, and the methodological challenges involved in its study, *see* Paul Mendes-Flohr, German Jews: