

Tolerance and/or Equality? The “Jewish Question” and the “Woman Question”

Tolerance is intolerant and demands assimilation.

—Herman Broch, cited in the Jewish Museum, Vienna, Austria

[T]he very being, or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband.

—Sir William Blackstone,
qtd. in Pateman 91

*W*hy is the condition of women, or relations among the sexes, so rarely framed in terms of a discourse of tolerance? Why did the “Woman Question” in the eighteenth and nineteenth centuries not emerge as a question of tolerance? Certainly, there are occasions when gender inclusion engages this discourse, when, for example, women seek access to ostentatiously male homosocial venues such as exclusive social clubs, military schools, sports teams or their locker rooms. But equality, not tolerance, is our conventional rubric for speaking about gender desegregation and gender equity. Moreover, while women’s “difference,” whether identified as sexual, reproductive, or affective, may be an object of tolerance in workplaces, space missions, or combat zones, it is not women as such who are said to be tolerated in these instances, but rather their *difference* that becomes a matter for practical accommodation through separate facilities or for special arrangements related to pregnancy or the demands of early maternity. Why? Why is it that today, minority religions, minority ethnicities or races, minority sexualities are all treated as subjects for tolerance, but women are not? Is the key in the word “minority”? That is, does tolerance always signify a majoritarian response to an outlying or

minoritarian element in its midst? Is it simply the case that majorities can never be subjects for tolerance?

I think proportionalist demographic analyses provide the least interesting answer to this riddle. So in what follows I will explore other paths. We begin with a different take on the question: why was the “Jewish Question” often framed as a matter of tolerance in eighteenth- and nineteenth-century Europe, while the “Woman Question,” from the beginning, emerged through the language of subordination and equality? (Or the contemporary version: why was the 1988 Democratic vice-presidential candidacy of Geraldine Ferraro heralded as a victory for feminist equity struggles while, twelve years later, the nomination of an orthodox Jew, Joseph Lieberman, to that position was cast by political pundits as a “triumph of tolerance”?) It is insufficient to respond that Jews were historically ostracized while women were straightforwardly subordinated by law and by individual men, or that Jews were a religious group while women were excluded on the basis of their bodies. Such responses may open but certainly do not answer the question. For whatever the difference in the mechanisms and putative bases of disenfranchisement, both exclusions were justified by an imagined difference from the figure of universal man at the heart of the emerging European constitutional political orders. And both exclusions provoked a common desire and goal: political membership, political and civil rights, and access to public institutions, education, and a range of vocations—in a word, indeed in the word that was most often used in the nineteenth century, *emancipation*. Why did one emancipation movement, then, remain within the rubric of tolerance and conditional inclusion while the other took shape as a project of political equality? How and why did emancipation efforts fork in this way, and what light does this historical phenomenon shed upon the metamorphosing relationship of equality and tolerance in liberalism? More precisely, what transformation of the relationship between equality and tolerance in nineteenth-century liberalism can be discerned in the particular politicization of identity entailed in these respective emancipation efforts and in their divergence from each other? In liberal discourse, equality presumes sameness while tolerance is employed to manage difference. So why did “sex difference” become thinkable and politicizable through the terms of sameness while Jewishness did not?

The answers to these questions will be found in the imbrication of several different discourses in the nineteenth century, those constructing gender and Jewishness respectively, on the one hand, and those

organizing the terms of liberal tolerance, equality, and emancipation, on the other. Scrutiny of the way the discursive construction of Jewishness framed the politicization of the Jewish question will enable us to see how the discourse of tolerance shifted its object from conscience and belief to racialized identity and soul, all the while appearing to broker religious difference. And, scrutiny of the discursive construction of gender that made possible certain arguments about women's equality and foreclosed others, all the while retaining a strong notion of sex difference, will illuminate important features of nineteenth-century liberal notions of emancipation and equality.

The Jews

In considering the relationship of the formation of the "Jewish Question" to the discursive construction of Jews in the nineteenth century, and in connecting this formation and this construction to the establishment of Jews as subjects of tolerance, we will focus initially on post-Revolutionary France. This may seem paradoxical at first blush, given that from 1791 until the Dreyfus Affair at the turn of the century, France understood itself to have preempted the "Jewish Question" raging elsewhere on the Continent with straightforward emancipation and enfranchisement. In fact, as students of this period know well, the picture is more complex. Moreover, precisely because "emancipation" was the standard for the civic and political inclusion of Jews across Europe in the nineteenth century, France stands as a kind of paradigm, or even parable, of modernity in the story it harbors of Jewish emancipation, assimilation, and tolerance.¹

In December 1789, the French National Assembly conducted an intense debate on the question of Jewish emancipation. The debate turned upon the question of whether Jews were Frenchmen, and if not, whether they could become citizens in a newly born regime in which the republic and its members were held to be mutually constitutive (Vital 42). In the context of a general consensus in favor of secularizing the state and diminishing the public force of religion, no one in the Assembly argued straightforwardly for tolerance of practicing Jews; that argument would have implied a hegemonic and public religion at odds with the pervasive antireligious sentiment of the time. There was, however, heated argument about whether or not Jews constituted a nation apart and, if so, whether such a constitution inherently debarred Jews from membership in the Republic. For those, such as Abbé Maury, who insisted that the very term

Jew “denotes a nation,” it followed that Jews should be protected but not enfranchised—they could not simultaneously belong to two nations (Vital 44). But for those who understood the Revolution itself as encompassing the project of French nation-building, the clear task was to dismantle rather than honor the remnants of Jewish nationhood. Here is the case put by Count Stanislaw de Clermont-Tonnerre, the lead speaker on behalf of Jewish emancipation in the December 1789 Assembly session:

As a nation the Jews must be denied everything, as individuals they must be granted everything; their judges can no longer be recognized; their recourse must be to our own exclusively; legal protection for the doubtful laws by which Jewish corporate existence is maintained must end; they cannot be allowed to create a political body or a separate order within the state; it is necessary that they be citizens individually. (qtd. in Vital 44)

Entwining Hobbes and Foucault in a single sentence, Clermont-Tonnerre specifies the requirements for carving the new citizen-subject out of the old corporate body: individuation, adherence to general rules and to a single legal and social norm, undivided state authority. Even as conventional tolerance arguments were spurned by the Assembly, Clermont-Tonnerre made clear the tacit toleration deal undergirding emancipation, one that submits the tolerated subject to state administration at the very moment of emancipation and enfranchisement. His formulation precisely expresses the twin processes of individuation and privatization of subnational filiations and beliefs entailed in belonging to the new universal state, processes that required, in a phrase, the Protestantization of the Jew. To be compatible with membership in the French republic, Jews had to be individuated, denationalized, decorporatized as Jews. To cohabit with Frenchness, Jewishness could no longer consist in belonging to a distinct community bound by religious law, ritualized practices, and generational continuity, but would, rather, consist at most in privately held and conducted belief.

In the 1789 debate, the French Assembly stalemated on the question of rights for Jews. However, two years later, when debating the issue of Jews inhabiting the eastern provinces, the Assembly voted to rescind all decrees, prohibitions, and privileges relating to Jews (Vital 48). Without resolving the question of whether Jews were French, of whether they constituted a nation apart, Jews were formally enfranchised as citizens. Why? If the question of Jewish Frenchness could not be easily settled,

the matter of incorporating outlying elements of the population into the state was pressing. According to Salo Baron, “Jewish emancipation was as much a historic necessity for the modern state as it was for the Jews” (57). Jews were but one node in the “untidy complex of estates, guilds, classes and corporations, all quite loosely supervised from above, if at all, none totally devoid of autonomy and the capacity to go its own way,” an untidiness and attendant subnational freedom and autonomy that had to be overcome for the consolidation of state power (Vital 50). Thus, the formulation of and the answer to the “Jewish Question” were framed more by *raison d’etat* than by political principle or considerations of Jewish welfare, though the latter sometimes figured importantly in the justification and legitimization of emancipation.² Put another way, retrospectively, the stumbling, stuttering approach to Jewish emancipation in the French Revolution is explainable according to the crosstides of immediate concern with membership criteria in building republican France and the longer term process of consolidating state sovereignty. French Revolutionary incorporation of Jews appears inevitable as the logical extension of principles of universal equality and liberty but is fundamentally consistent with the tendency of all European states, starting in the late eighteenth century, to centralize, rationalize, and regularize their power and reach. The anomalous status of Jews in Europe during the medieval and early modern periods—“in” but not “of” various European nations—had to be resolved. To that end, Jews had to be brought within the ambit and orbit of the state, a process that involved incorporation into a nation increasingly defined through abstract, universal citizenship.

However, to be brought into the nation, Jews had to be made to fit, and for that, they needed to be transformed, cleaned up, normalized, even as they were still marked as Jews. It is these triple forces of recognition, remaking, and marking—of emancipation, assimilation, and subjection, of decorporatization as Jews, incorporation as nation-state citizens, and identification as different—that characterize the relation of the state to Jews in nineteenth-century Europe and that comprise the tacit regime of tolerance governing Jewish emancipation.

What did it mean for French Jews to become citizens? Insofar as citizenship in republican France was not a formal category extended to an individual with rights but, rather, involved membership in the republic, identification with the state, and participation in French national culture, the process of making Jews citizens meant making them French, which

meant modulating any distinctively Jewish sense of community and fealty along with distinctively Jewish public practices and habits. Becoming part of the French nation in this deep sociological way supplied yet another impetus for severing attachment to the dispersed Jewish nation, and it was ideologically framed by an Enlightenment modernizing rationalism as well: assimilation, the thinking went, would make Jews more modern, more European, and more free; Jews shedding archaic and tribal Jewish practices and beliefs in favor of becoming French signified all three insofar as the French nation stood for all three. Emblematic in this regard is the nineteenth-century assimilationist Jewish historiography that cast the Revolution of 1789 as the “modern Passover,” the second flight from Egypt (Marrus 91–92). In this historical metanarrative, the revolution that emancipated French Jews conferred upon the French nation a hallowed place in Jewish history and in so doing established France as a nation especially worthy of Jewish attachment and loyalty.⁵

As assimilation proceeded over the course of the nineteenth century, what kept Jews themselves from disappearing? This question pertains not only to Jews who abandoned religious belief but to those who, in accord with the formulation of tolerance delivered by the Reformation, persisted in some semblance of religious practice as a private activity.⁴ How could Jewish law and ritual practice, rabbinical authority, belief, and attachment to the Jewish nation decline or vanish altogether without taking the Jew with it? “Judaism [. . .] is not a religion: it is a race,” declared Tourasse in 1895, encapsulating the half-century-long process by which a definition of Jews as a physiological *race* came to supplant a definition of Jews rooted in common language, beliefs, practices, and above all, nationhood (Marrus 15). Since, according to nineteenth-century race discourse, race was inscribed in every element of the body and soul, mind and sexuality, temperament and ability, it could endure after the constituent elements of nation—elements that had to be *performed*, and were not (discursively inscribed) attributes—had been reduced or eliminated (Gilman 175–80). Race allowed (or required) the Jew to be a Jew no matter how fully assimilated, no matter how secular. By marking Jewishness as a set of physically distinguishable attributes—skin color and health, specified characteristics of the nose, genitals, and feet—and at the same time casting it as that which saturated every aspect of the being of the Jew, race sustained Jewishness through the process of assimilation as definitions of Jewishness rooted in nationhood or religious belief could not. Racializa-

tion also produced a new subject of tolerance in Christian culture: defined neither by belief nor filiation, the racialized Jew became highly individuated as well as physiologically, intellectually, and emotionally saturated by Jewishness. This new Jewish subject in turn became a crucial site for: (1) a new semiotics of tolerance in which Otherness was carried on and in the racialized body; (2) a new administrative subject of tolerance in which the racialized body rather than practices, beliefs, or filiation would be decisive, or at least in which bodily being was presumed to carry the morphological code for all else such that difference was ontologized, hence cast as permanent; and (3) new and ambiguous sources for the conferral of tolerance, dispersed through civil society rather than concentrated in the state and the Church.⁵

The racialization of the Jew during the nineteenth century was produced by discourses ranging from anthropological and biological to philological and literary. All of these built on the nineteenth-century zeal, both scholarly and popular, for typology, classification, and measurement, and drew for evidence upon everything from brain size and survival capacity to the origins of languages and language groups. The developing body of racial theory was not internally coherent or systematic, nor was it radically distinct from cultural theory and historical claims. Biological theories were mixed with historical analyses of oppression to explain, for example, how Jews had survived despite oppression and persecution, how certain physical atrophies in the Jewish body might have resulted from oppression, or why Jews came to look more like their gentile brethren in some European nations than in others, indeed, why Jews varied so much in their appearance across Europe.⁶

What these notably unsystematic and unscientific theories provided to Jews, Gentiles, leftists, liberals, and anti-Semites alike was a means of establishing the enduring fact of Jewishness independently of belief or ritual. Particularly in the context of French Catholicism, but also in a more general context of tolerance discourse concerned with Protestant sects, the racialization of the Jew circumvented the difficulties in submitting Jewishness to a construal of religion as a belief community. Rather, treating Jewishness as a racial formation meant that Jewish belief and the Jewish nation could fade while the Jew lived. Neither God nor Torah nor Jewish corporate community nor ritual practices were relevant to the identification of Jewishness once race had taken hold. Defined racially, Jewishness was something one carried individually, everywhere, and

always. Again, this meant that tolerance would change the definition and circumscription of its object: Jews might still be thought of as a group, but the structure of affinity rendering them such was race rather than the nation, putatively objective traits rather than subjective attachment or matters of consciousness—but traits carried individually, thus constituting Jews as individuals incorporable by the nation-state rather than as a community of believers potentially alien to or alien within the nation. Yet racialization also established the Jewish difference as permanent, deep, and impossible to overcome. Even after the dismantling of Jewish nationhood and the enfranchising of Jews, racialization constituted Jews as a permanent difference within the imaginary of a homogeneous nation-state.

Despite the anti-Semitic uses to which it could be and was put, the discourse of racialization was generally taken up by nineteenth-century European Jews with equanimity and even zeal (Marrus 111–12). However awkwardly, this discourse allowed Jews to retain and comprehend a Jewish identity, one that established a modicum of community and connection across generations even as they assimilated; it guaranteed that Jewishness itself would not perish through assimilation. Nor did accounts of Jews as a racial type run in a purely pejorative direction—Jewish superiority as well as inferiority was inferred from it by Jews and non-Jews alike. And in the context of French nationalism, the racial discourse offered the peculiar potential for establishing a certain affinity between Jewishness and Frenchness, in which superior moral characteristics attributed to each were understood as carrying the potential for mutual enrichment as Jews assimilated and intermarried. If both Jews and the French, as racial types, were figured as sharing a bourgeois orientation toward family, work, money, and the future, and if both the Revolution of 1789 and ancient Israel were figured as historical episodes expressing a collective aspiration to liberty, equality, and fraternity, then not only were the French and the Jews each an elect people, they were compatible elects. This line of thinking produced yet another argument for assimilation, one having utility for the French bourgeoisie as well as for Jews, in which Jewish blood coursing through France was conceived as strengthening French society and improving the overall stock of a nation already at the forefront of world history. According to one historian, by the time of the Dreyfus Affair at the turn of the century, this theoretical association of the messianic projects of Judaism and modern France had become the official doctrine of French Jewish community, challenged by none (Marrus 114, 120).

Assimilation, of course, came with various kinds of subtle tolls, which themselves reveal important features of the governmentality of tolerance. As bourgeois French Jews devoted themselves to becoming French and to identifying with Frenchness, not only was their connection to and identification with Jews in other lands necessarily attenuated but Jews also had to moderate their own responses to domestic anti-Semitism if they were not to seem excessively Jewish rather than French. To move from the margins to the mainstream of French society, French Judaism became increasingly politically and socially conservative during the second half of the nineteenth century. In particular, assimilated French Jews drew back sharply from the new Jewish immigrants fleeing the Eastern European and Russian pogroms. These newcomers were an embarrassment—they were too poor, too unmannered, and above all, too Jewish (Marrus 158–62). Thus, the process of trying to become French while racially marked as Other involved disavowing not just Jewish belief, practice, or the nation, but disidentifying with one’s most victimized brethren and politically radical brethren, as well as abandoning political enmity (e.g., toward Russia) where it was not shared by the French state. Altogether, the price of tolerance was considerable: compromise of religious and political belief, repudiation of fellow Jews, fealty to a state that did not return it.

To this point, the term “tolerance” has been used in two different senses to analyze Jewish emancipation in the nineteenth century. First, there is the tolerance held out to Jews in exchange for assimilation, a tolerance administered simultaneously by the state and by Jews themselves. This practice was not named tolerance in France, that is, it was not framed as the orientation of the state or the Church toward a minoritized religion by a dominant religion. Rather, it was a project oriented toward producing a unified nation, a homogenous and manageable citizenry, and aimed as well at ending the clash of nations represented by the Jewish presence in France. Not named tolerance but tolerance it was, as Clermont-Tonnerre made clear in delineating its strenuous conditions: the disaggregation of the Jewish nation, the decorporatization of Jews, the attachment of Jews to the French nation, the making of Jews into modern French republicans, the dissociation of French Jews from Jews elsewhere. The binding force of the Jewish nation was replaced by the regulating discourses of racialization on one side and of Frenchness on the other; tolerance of assimilating Jews was administered through the normative powers of these mutually constitutive discourses. Nor was the effect of these powers slight: assimilated French Jews became politically moderate, religiously closeted, and

disinclined to affiliate with radical and/or Jewish causes. Yet, as a racially marked and often racially disparaged people, Jews lived in fear of their vulnerability to tides of anti-Semitism (such as that inciting and buoying the Dreyfus Affair), a fear that is itself a sign of the regulatory work of tolerance, even if this work is increasingly located in civil society rather than church or state.

These anti-Semitic tides evoke a second sense of tolerance, a sense that also brings us closer to the histories of Jews in other European nations. These histories were not always structured by early formal emancipation or liberal republicanism but did share the managed assimilation and racialization of the French case. Whether ghettoized or educated, heavily regulated or simply forced to adopt Christian surnames, serve in the military, and conduct business in German, the various approaches to Jews across Europe in the nineteenth century converged in the construal of Jews as a distinctive people who nevertheless had to be fitted into the consolidating and centralizing nation-states—thus reformed as well as tolerated. Tolerance in this sense involved a state and civil administrative practice toward a people that had to be incorporated into the nation but whose racial distinctiveness limited its participation in an emerging universalistic formulation of man. Moreover, because Jewishness was racialized, and because racialization implicated every aspect of being—body, gait, sexuality, gesture, soul, mental capacity, disposition—the object of tolerance was discursively relocated from belief to *ontoi*. Indeed, belief itself was now both distinct from yet also derivable from the ontics of race, a distinguishability and derivability that is critical in formulating subjects of tolerance today.

Women

Alongside the distinctive requirements of state consolidation and distinctive discourses of racialization configuring Jewish emancipation in the nineteenth century, certain parallel forces configured the emancipation of women in the nineteenth century. There was, of course, no historically prior subnational or transnational community of women that had to be broken apart to produce women as citizen-subjects, nor did women pose the explicit governance problem that Jewish communities did. However, women were emerging from their submersion in the corporate world of kinship to claim entitlements as individuals, and women were being individuated as subjects by prevailing discourses of science,

medicine, social work, pedagogy, and sexology. At the same time, new discourses of gender were developing and circulating, discourses that bound women exhaustively to sexed being, much as racialization came to define the Jew. If Jewishness was racialized as Jews were emancipated and if that racialization was deployed in part to mark the limits of emancipation, it is also true that amidst the debates about women's emancipation, sexual difference was being drawn more radically and inscribed on the body more deeply than in prior centuries.

As Thomas Laqueur tells the story, in the *ancien régime*, being female was a status related to activity and venue; through the new biological, anthropological, literary, medical, and psychological discourses, it was reconfigured as a matter of human sexual nature. Like race, this sexed nature was held to saturate the being.⁷ Thus, writing in 1803, anthropologist Jacques-Louis Moreau insisted in *Histoire naturelle de la femme* not merely upon the distinctiveness of the sexes but argued that “they are different in every conceivable aspect of body and soul, in every physical and moral aspect” (qtd. in Laqueur 5). Or, in the words of J. L. Brachet, a mid-nineteenth-century physician and author of *Traité de l'hystérie*:

All parts of her body present the same differences: all express woman; the brow, the nose, the eyes, the mouth, the ears, the chin, the cheeks. If we shift our view to the inside, and with the help of the scalpel, lay bare the organs, the tissues, the fibers, we encounter everywhere [. . .] the same difference. (qtd. in Laqueur 5)

But discourses about sex difference are hardly the only forces organizing gender and reconstituting the meaning of women during this time. The decline of feudal and petty bourgeois economies and the full onslaught of industrial capitalism wrought enormous changes in the sexual divisions of labor inside and outside the family and in the sexed ownership of trades and means of local production. The sexual division of labor and especially the heterosexually based economic partnerships of agricultural economies gave way to an order in which women's and men's laboring hands were often—not always and not completely—interchangeable and in which women lost control of trades such as dairy and brewing that had heretofore secured them small beachheads of economic and social power. Thus, while Laqueur argues that the new sexual dimorphism emerges in response to “politics [. . .] the endless new struggles for power and position in the enormously enlarged public sphere of the eighteenth

and particularly the postrevolutionary nineteenth centuries,” surely of equal if not greater importance is the breakdown of an ideologically naturalized sexual division of labor in many domains, along with the severely reduced productivity of the household, in the transition from agrarian to industrial economies. Sexed bodily being is articulated as decisive at the very historical moment when practical activity and venue become less so (Laqueur 152). As household production decreases, as proletarianization amasses women in the factory, and as a growing class of bourgeois women are increasingly shorn of any productive economic function at all, the incitements for demanding women’s emancipation are stoked alongside new discourses of female sexual difference that repel those demands.

In sum, the extraordinary capacity of capital to, in Marx’s phrase, “batter down Chinese Walls” included a powerful capacity to erase gendered social distinctions and transform gendered social spaces heretofore reproduced by sexual divisions of labor in agricultural economies. But in the place of these modalities of making and organizing gender arose a pervasively sexed body, a body that produced a new foundation for subordination rooted in putative difference, a body whose meanings would be interminably debated for their implications about women’s candidacy for political and social equality. As with the racialization of the Jew, there were first-wave feminists who embraced the radical saturation of women by their sex, and there were others who tried to parse and contain it. None wholly rejected it.

Equality and Tolerance

To return to our original question: how did the Woman Question and the Jewish Question take shape within a common rubric of emancipation and at the same time split into respective projects of equality and tolerance? Nineteenth-century European nations faced the problem of fitting two historically subordinated or excluded groups, Jews and (Christian) women, into an emerging universalist humanist rhetoric and liberal political ideology within which human sameness—underspecified but fraught with tacit norms—is taken to be the basis of equality. The discourses of subordination and exclusion producing Jewishness and gender are themselves in transition, and these discourses both are an effect of and themselves contribute to the formulation of the problem of political membership for Jews and women. That is, the emerging racialization of the Jew and the relentless gendering of sexed being not only frame the debates about emancipation but are themselves configured by these debates.

Prior to the emergence of the “Jewish Question” and the “Woman Question,” and prior to the political discourses of equality and the social discourses of racialization and gender configuring these questions, Jews and women were cast not simply as different from Christian men but as bearing a difference in status and social location that sharply distinguished them from Christian men and their privileges. Jews were a nation inside the nation; women were subsumed in the household, as it were, underneath the nation. But as each is carried by the new formulations of abstract citizenship and by the new discourses of race and gender toward eligibility for this citizenship, difference is not simply retained but relocated from status and location to ontology. There were parallels in the construction of difference for each, especially in the extent to which the difference was understood to saturate the respective body, mind, and soul of Jews and women, that is, to exhaustively define their respective identities, subjectivities, and potential public personae. But parallel is not identity. Counterintuitively, perhaps, European feminist emancipation movements were able to cast women’s difference as potentially less saturating of women’s existence than Jewish emancipation movements could achieve for Jewishness. Let us see how this goes.

Mary Wollstonecraft in the late eighteenth century and John Stuart Mill in the late nineteenth both base their arguments for women’s equality on the exploitation of a strong Cartesian split between body and mind (although neither maintains this split fully or consistently). “There is no sex in souls,” Wollstonecraft proclaims, and from this premise develops her insistence that women are first and foremost human beings, not sexed beings (42, 51). Since “virtue has no sex” and the highest virtue is the rational use of the mental faculties, then as Poullain de la Barre, following Descartes, declared in 1673, “mind has no sex” (qtd. in Schiebinger 1). In Wollstonecraft’s analysis, if women and men share the same moral nature, they ought to share the same moral status and rights. The fact that most women “act as creatures of sensation and feeling rather than as rational beings” is simply the consequence of a faulty education, one which makes women “plumed and feathered birds” rather than morally upright beings (Wollstonecraft 33, 34, 39).⁸

Women and men both have the capacity for “educated understanding,” a capacity that includes worldly knowledge and a knowledge of God’s scheme to direct and temper the passions. Wollstonecraft toys with the idea that the two sexes may have different amounts of such understanding, as a consequence of their differences in strength, but they have the same kind—virtue is androgynous because mind and soul are (39, 51).

Liberty and education, which together produce autonomous reasoning capacity, are the mothers of virtue and therefore must be equally available to women and men. In short, when they are engaged in mental deliberation and other practices of moral virtue, women are not women at all but simply reasoning beings. But what of the sex difference from which Wollstonecraft abstracts in order to make this argument? Where does that sex difference live and what are the implications of its designated habitat for women's civic and political equality? We shall return to this matter shortly.

John Stuart Mill makes remarkably little reference to women's bodies in *On the Subjection of Women*, save for the terrible degradation he imagines women to suffer when they must have sex with men (husbands) they do not like or respect.⁹ Mill's argument for women's freedom is pinned entirely on their intellectual potential, even as he argues that their institutionalized subordination originated historically from their physical weakness. What allows him to work both sides of the argument about women's bodies (weaker) and women's minds (potentially equal) is not only a Cartesian metaphysics but a progressivist insistence that the age of bodies and physicality as determinants of merit and place is finished, as past as the age of blind adherence to custom, tradition, and rule by despotic monarchs (Mill 134). What makes women's subordination a historical relic, hence wholly illegitimate, is its basis in a physical difference at a time when other social and political practices—from the abolition of slavery to the repudiation of social rank as a criteria for rights or suffrage—signify a popular and political rejection of stratification by physical difference or circumstances of birth (Mill 136–37). In the current age, according to Mill, what brokers legitimate distinction is mind, talent, capacity, and ambition, all set loose in an open field of competition. This age, too, knows the supreme importance to the individual and the species of choosing one's own life course and one's own governors.¹⁰

Taken together, Mill and Wollstonecraft can be seen to argue for a feminine subjectivity that is at once androgynous and different: androgynous in the rational, civic, and public order of things where mind alone matters, and saturated with its sex difference in the private realm where bodies, temperaments, emotional bearing, and “instinct” are thought to prevail. Neither rejects the sexualization of gender prevalent in the age; rather, each contests only the totalizing reach of this sexualization and draws upon Enlightenment rationalism and (as we shall see) a certain Cartesian and bourgeois splitting of the modern subject to argue for

the androgyny of public sphere existence. Indeed, the reassurance both Wollstonecraft and Mill offer to those potentially alarmed by the specter of emancipated women lies in their confirmation of women's heterosexual and maternal identity in the domestic sphere, an identity that is treated as natural even if not exhaustive of women's existence. Although both Wollstonecraft and Mill advance the possibility that women ought to be able to choose whether or not to marry, neither can tarry long with the figure of the unmarried woman; both return incessantly to the assumption of women's married and maternal state. Moreover, both spill a great deal of ink on the ways that improvements in woman's education and liberty will improve her wifely and maternal capacities: she will be more enlightened, less shrewish, more straightforward, less conniving, a better model for the children and less of an embarrassment to them. All of these advantages, however, are to one side of the central point that women will not cease to be wives and mothers by virtue of their emancipation. Through the division of mind and body, virtue and daily existence upon which each premises their arguments, women can be women in private, humans in public.

Of course the counterargument to Mill's and Wollstonecraft's position, ubiquitous in the age and against which both are working, is that the sexual or reproductive functions of women's bodies *do* fully saturate women's nature; this is exactly what the strong version of the new sex difference discourse establishes. At the extreme is Rousseau's contention that every element of woman's existence is conditioned by her sexuality—from her inherent lack of authenticity and *amour de soi* to the natural strategic deployment of her sexuality to capture, hold, and even domestically govern men (see chapter 5).¹¹ Similarly, Hegel's reduction of women to creatures of pure immanence is rooted in their reproductive capacities while his argument that woman is ethically fulfilled in the family pertains to what he characterizes as her natural passivity in love, her unique capacity to both lose and achieve her individuality in and through a male subject (206; par. 166). For both Hegel and Rousseau, not simply women's activities and proper venue but women's minds and women's virtue differ radically from those of men. Indeed, what otherwise diverse late-eighteenth- and nineteenth-century antifeminist arguments carry in common is the notion that woman's nature and the activities and entitlements appropriate to it are fully determined by sexual difference, that woman is fully saturated by this difference.¹² This is precisely the saturation that the Enlightenment feminists resist. As Joan W. Scott recounts in her study of nineteenth-

century French feminists, “they argued that there was neither a logical nor an empirical connection between the sex of one’s body and one’s ability to engage in politics, that sexual difference was not an indicator of social, intellectual, or political capacity” (x).

Nineteenth-century Europe, then, debated the “Woman Question” from a roughly common and strikingly new ontology of gender, one in which elaborate sex difference was taken to be a fact while the reach and significance of this difference was contested, particularly from a Cartesian perspective that permits of the separability of mind and body, a separability that, like abstract rights and liberties themselves, was difficult to elaborate for men and refuse to women. But it is not only Cartesianism that permits this splitting off of the androgynous mind from the otherwise wholly sexed being. And it is not only the abstract character of liberal personhood that creates a wedge for feminism in the new formulation of citizenship. Rather, if the sex difference always recurs to the body in some way, exactly this seemingly obstinate fact makes possible a humanist feminism in a liberal idiom that both disunifies the female subject and abstracts from the body to make its claims for women’s equality. This disunification operates by literally splitting female ontology, parceling it out for different social spaces in which different activities and duties occur. Thus, the feminism of Wollstonecraft and Mill on the one hand privatizes the sexed female body—leaving it to individual men, as it were—*and* abstracts from women’s embodied existence to make claims on behalf of women’s capacity for public life, a capacity that makes women eligible for education, rights, and above all, citizenship.

These moves to divide and abstract the subject from its embodied dwelling are typical of the age and by no means unique to the order of gender. The divided subject born with modernity and intensified by liberal ideological and capitalist political-economic ordering—particular/universal, subjective/objective, private/public, civic/political, religious/secular, *bourgeois/citoyen*—is the very subject that can be gathered under a universalizing political rubric such as “equality, liberty, fraternity” while subsisting in a civic and economic order structured by inequality, constraint, and individualism. The subject represented as free, equal, and solidaristic in state and legal discourse is abstracted from its concrete existence where it is limited, socially stratified, atomized, and alienated. In short, the figure of man to which Wollstonecraft and Mill make recourse for their arguments about women—man split in his activities and consciousness, and

man abstracted from his everyday embodied existence as he is represented by the state—is the dominant figure of the age. If citizenship and rights are premised upon this abstract, disembodied figure of man, this is also the basis upon which women’s enfranchisement can be claimed. If man has no body in public, but only exists abstractly, discursively, through mediated voicing and representation, then woman need not have a body in public either and the sexualization of gender ceases to be an impediment to public sphere equality claims. In other words, that which is understood to make women women need not accompany them into public life where we are all disembodied abstractions, where we are all split off from our private, economic, or civil existence. Women’s difference is not, according to this kind of feminism, a public difference.¹⁵

But why do we not see the same argument made on behalf of Jews? What is the casting of the “Jewish difference” that permits the slide from “emancipation” to tolerance—with the latter’s implications of a permanent, insoluble, difference—rather than equality? If modern citizenship is premised upon man as man, not as he actually lives and works, but as a potentially divisible and abstract being, why cannot the Jew be split off from or abstracted from her/his Judaism to become a rights-bearing citizen with the same relative conceptual ease exhibited by late-eighteenth- and nineteenth-century feminism? There were, of course, those (e.g., left Hegelian Bruno Bauer, Marx’s famous foil in “On the Jewish Question”) who argued that Jews could be dealt with in precisely this fashion. From this perspective, racialization of the Jew was no more determining than sexualization of the woman: Jews could be and were enfranchised on the condition of assimilation, on the condition that they shed identifying and constitutive Jewish practices or at least that these practices became completely private.

But it is already telling that there is a qualifier here, namely, that emancipation was tacitly or expressly dependent upon assimilation, which is to say, upon transformation of the Jew. Such a move was never made in the debates about the Woman Question. Though at times cajoled to “ascend to reason,” women were not asked to give up anything in order to become candidates for emancipation. Indeed, what could women be pressed to surrender in order to become more acceptable members of the nation, in order to become more like men, in order to gain proximity to if not inclusion within the universal? Any effort to de-sex women would be seen as making them monstrous, exactly what antifeminists

accused feminism of doing. Thus, emancipation itself already means something different for Jews and for women, that is, even with emancipation, the tolerance “deal” was already in place for Jews in a way that it was not for women, where a different set of social powers will be seen to sustain women’s difference and their subordination through it.

For nonassimilated Jews, the arguments against enfranchisement emerging from the mid-nineteenth-century German debates on this question can be divided into three: (1) the Jew has fealty to another (higher) god and another (higher) legal order that preempts his or her fealty to the Christian or secular state; (2) the Jew lives a “partial” (Jewish) life, not conceiving of him- or herself as part of universal humanity, but rather as belonging to the Jewish portion of humanity, hence he or she does not participate in the universality the modern state is held to embody; (3) the Jewish religion cannot easily be rendered a purely private affair—Sabbath and holiday requirements, as well as public worship and prayer, contour the daily civic life of the Jew and thus prevent Judaism from the eligibility for tolerance, available to Protestant sects, in which religion can be rendered a purely individual and private order of belief. Judaism as practice combined with Jewishness as a racial difference together cancel the possibility of containing the Jewishness of the Jew in the private sphere; to the extent that Jewishness and Judaism saturate the being and daily practices of the Jew, and subtend the Jew through Jewish community, law, and/or ethnic affiliation, they leak into the domain where the abstract and universal equality, liberty, and community of man are held to reign.¹⁴

But if these are the arguments against emancipating or enfranchising nonassimilated Jews, arguments that all amount to refusing the incorporation of a nation within a nation, how is it that assimilated Jews could be offered forms of “emancipation” that nonetheless left them vulnerable to anti-Semitic state as well as civil practices, signaling that this emancipation opened onto a regulatory regime of tolerance rather than equality? To be sure, this regime of tolerance was a different creature from that administered by the seventeenth- and eighteenth-century Edicts of Tolerance in Austria and elsewhere; it had begun its migration from the state to the social as the site of its emanation, and it was also beginning to attach to individuals rather than to subnational groups. But tolerance rather than equality it was, as became clear in ensuing episodes of state and civic “intolerance” in which Jews could lose privileges, be stripped of rights, be (re)ghettoized, exiled, or exterminated.

What is the relationship between this vulnerability, experienced by Jews as subjects of tolerance but not by women as subjects of equality, and the respective nineteenth-century discourses of racialization and sexualization we have considered? How do each of these discourses position its subjects vis-à-vis the emerging state discourses of universality that organize and confer citizenship? One way these questions may be addressed is through a consideration of Foucault's discussion, in *The Order of Things*, of the epistemic shift between early and high modernity. In the former, Foucault argues, the truth of an object or relation is based upon manifest or visible signs; in the latter (the period we are considering), it comes to be rooted in the presumption of a generally invisible organic structure of things (see chapter 7). If Foucault is right about the high modern episteme, only in the nineteenth century does it become possible to argue that the female body, for all its putative visible difference, does *not* carry the complete code for women's nature and capacities, or more precisely, that the visibly sexed body is not the hermeneutic key to the mind or soul of the woman. Rather, feminists argued, the body is precisely that which must be seen past or seen through for women's souls and mental capacities to be grasped—just as antifeminists argued that the gendering of the female sex, determined by its reproductive function, was carried in every dimension of this being. No one in the feminist debates, in other words, argued directly from bodily appearances to soul and mind; rather, appearances were as likely to belie as to express a comprehensive ontology, and if it could be rhetorically established that souls and minds were ungendered, then the question of women's bodies could be rendered largely irrelevant to public sphere feminist aims. Racialization, however, was another story. If, in a racialized discourse, blood was the index of the Jew, soul was the essence of the Jew, and a people apart was the historical origin of the Jew, then racialization is already a discourse working from the inside (organic structure) out (appearances) and from history (hidden) to present (manifest). In accord with what Foucault insists is the dominant episteme of the age, racialization is achieved genealogically and metaphorically rather than deduced directly from visible codes, even as it also produces and interprets these visible codes. As Gustave LeBon formulated the racialization thesis at the end of the nineteenth century, “[T]he life of each people, its institutions, its beliefs, and its arts, are only the visible traces of its invisible soul” (qtd. in Marrus 14). In the nineteenth-century episteme, abstracting from bodily appearance to arrive at an ungendered mind or soul is a possibility; abstracting from blood and soul to arrive at the nature of a being is an oxymoron.

As we have seen, the sustained marking of Jews as racially distinctive even as they were emancipated was critical to the contradictory state imperative of simultaneously incorporating and regulating Jews, an imperative that Foucault identifies more broadly as the twin modern forces of “totalization and individuation” but the contradictory nature of which he rarely considers.¹⁵ Racialization facilitated the coexistence of pressure to assimilate, on the one hand, and the marking of Jews as an object of surveillance to ensure conformity with the terms of their emancipation, on the other. For Patchen Markell, “such a surveillance requires that Jews be recognizable. The imperative of emancipation becomes, paradoxically, that *the state must see at all times that each Jew has ceased to be Jewish*” (146, original emphasis). For Markell, incorporation of an alien element in its Christian midst required a peculiar form of state recognition in which Jewishness never ceased to be identified and never ceased to be targeted for reduction or erasure. This form of recognition is itself paradoxically achieved by the assimilated Jewish embrace of a racialization discourse *and* refusal of solidarity with Eastern Jewry figured as a lower, less cultured, less modern form of life.

The difference between discourses of racialization and sexualization is not limited to the ways in which Jewishness and femininity are inscribed on and in individual bodies; each discourse also posits distinctive forms of association (or lack of it) among these bodies. While racialization, in contrast with nationhood, potentially renders Jews in the image of sovereign individuals and hence as subjects ripe for nation-state incorporation, even decorporatized Jews remain available to a conception of them as a solidaristic people. If the decorporatization entailed in the pressures to assimilate, and required for the first order of formal emancipation and toleration, met its limit in the racialization of Jews, this racialization also links them naturally to one another and conjures their natural association. The gendered sexualization of women, by contrast, casts women as individual complements of or opposites to individual men. If women are essentially similar, this does not imply their political or social relatedness, their intragroup affinity or solidarity. To the contrary, this gendered sexualization establishes women’s natural place in the heterosexual family as opposites or complements to individual men: it produces them as different from men but not as a solidaristic people or nation.

Both of these aspects of modern subject formation—that which ontologizes certain kinds of marked subjects and that which specifies the relation of marked subjects to other similarly marked subjects—remind

us that during nation-state consolidation, the discourse of abstract universal citizenship was cross-cut with other subject-producing discourses, discourses that facilitated the classification and regulation of citizens who deviated from the Christian, bourgeois, white, heterosexual norm at the heart of these orders. Incorporation of the historically excluded through a discourse of abstract citizenship, a process that threatened to erase the subnormative status of the excluded, itself incited intensified forms of marking and regulation to reinscribe that status. Tolerance, coined originally to incorporate while regulating differences in belief, was an available vehicle for this incorporation: it simultaneously permitted individual and group regulation, that is, it facilitated the marking of a difference through which both the incorporation and the individuation required for regulation could be sustained.

As tolerance begins to attach to identity rather than belief, as it does in the figure of the Jew, it responds to the moment in liberalism when individualism combined with abstract citizenship falters as a principle of demarcation, when equality-as-sameness falters as a justice principle, when the depoliticization of difference is either incompletely achievable or incompletely desirable on the part of either the subject or the state. Tolerance emerges at this point as a *supplement* to equality rather than a mere extension of it. As a supplement, it is variously a substitute, an alternative, and above all, that which finesses the incompleteness of equality—making equality “true” when it cannot do so on its own terms. Political and civic tolerance, then, emerges when a group difference that poses a challenge to the definition or binding features of the whole must be incorporated but must also be sustained as a difference: regulated, managed, controlled. In their dispersal and in the sexualization of their identity, women do not represent such a threat; they are neither perceived as a group nor does their manifest difference threaten to disappear. But in their association and in the racialization of their identity, Jews do pose such a problem; tolerance is the mantle cast over their emancipation to contain it.

One account, then, of the emergence of a discourse of equality for (Christian) women, and of tolerance for Jews, reveals tolerance to be the sign of a discursively established, obstinate, and pervasive difference that cannot be assimilated in public life without disturbing the norms at the heart of that life; it signals a difference that cannot be abstracted from and that forms the basis for community—imagined or literalized, minimal or substantial—apart from the nation-state. There is not only the question of the lingering Jewish nation, conjured by the continued presence in cities

as well as in the countryside of unassimilated Jews; rather, white supremacy combined with Christian hegemony in Euro-Atlantic states meant that even assimilated Jews would not be fully abstracted from their difference to participate in a universal order, whereas (Christian) women could be. In a bodiless public saturated with Christian norms, (Christian) women can achieve a formal legal equality while Jews, even when enfranchised and accorded rights, are still tolerated (or not) in their difference. Tolerance marks inassimilability to a hypostasized universal, and Jewishness—as a nation or as a race—is figured as such unassimilability.

But we cannot be completely satisfied with this formulation. On the one hand, it overstates the assimilability of women into a humanist universalism and especially into the public and economic life of modern constitutional orders. We know that deep anxieties about sexual difference persist in these domains, and we know that sexual difference is often a far greater barrier than religion, even than religious orthodoxy, or than ethnicity or race, to participation in normatively masculine regimes. On the other hand, this argument also understates what assimilation *and* racialization make possible by way of privatizing or eliminating Jewish practice and belief and by way of detaching the individual Jew from a community of Jews. Even if it was not completely successful, the project of detaching the Jew from a transnational identity and fealty and of producing the Jew as a European citizen-subject should have largely neutered political concern with Jewish difference; all that should have been left was scattered social prejudice. So I want to till different ground now.

If, according to Blackstone and Kant, women are naturally “concluded by their husbands,” if husband and wife are “one person in the law,” what is it that makes woman so incorporable, so available to being concluded or represented by individual men?¹⁶ There would appear to be only two possibilities here: similitude or natural subordination within an ontological hierarchy. Woman cannot be incorporated by man, cannot be represented by him, as a true opposite, but only as that which is either similar or naturally subordinate to him. If Laqueur is right about the shift, during the eighteenth century, from a one-sex to a two-sex model of gender, then we are not dealing with similitude. As we have seen, the similitude asserted even by feminists in this period pertains only to the realm of mind, virtue, and abstract citizenship—the argument is not that women are the same as men *tout court* but that rationality, virtue, and citizenship have no sex, are not embodied. Thus, woman’s difference—as body,

as maternity, as sexuality, as subject and sign of the household—remains outside the language and purview of equality and thereby remains a candidate for naturalization and for subordination. Female difference, within a presumed heterosexual order, is incorporable by men to the extent that it is cast as a difference of inherent subjection, exactly the casting that Blackstone's and Kant's remarks imply. Moreover, within a heterosexual matrix, individual women can be claimed, "concluded," or represented by individual men, and their alterity within liberalism can in this way be secured at the same time it is politically resolved.¹⁷ By contrast, the Jewish difference, however saturated with signs of inferiority within a Christian hegemonic order, cannot be assimilated or managed in this fashion: counterintuitively, it remains more unruly precisely because it directly mediates men's relations with one another, notwithstanding Judaism's matrilineal descent structure. So while it first appeared that racialization was a more powerfully determining discourse than sexualization in establishing limits to nation-state incorporation, it would now seem that sexualization functions as a more relentlessly subordinating discourse and is therefore precisely what permits women's enfranchisement as political equals without the risk of substantive equality—and more importantly, without the risk of a challenge to the masculinist, heterosexual, and Christian norms at the heart of the putative universality of the state.

Another way to see this point involves turning slightly from the public/private axis as the vehicle of subordination and focusing instead upon the sexual division of labor left intact by formal emancipation. As critics of liberal feminism have often pointed out, when women are made candidates for political equality, a heterosocial division of labor and association is by no means called into question. Indeed, both Wollstonecraft and Mill anxiously reassured their readers that legal gender neutrality—women's acquisition of economic, civil, and political rights—is not a ticket to gender integration in most of the substantive domains of life. With legal equality, social and economic sex segregation persists and so literally domesticates the effects of women's enfranchisement as citizens. An official policy of complete religious neutrality and racial equality, however, does promise and promote such integration and attendant ramifications: once Jewish men are fully enfranchised and full bearers of rights, the "Jewish difference" lives on institutionally only in an epiphenomenal fashion. There is potentially no limit to the political, social, and economic domains that Jews and gentiles will cohabit, even as informal enclaves

for each may persist—from commercial enterprises to neighborhoods to country clubs to academic departments. Thus, the language of tolerance, which always signals the undesirable proximity of the Other in the midst of the Same, emerges as indexical of this very capacity for mixing and of the perceived threat to a social norm portended by such mixing. If the language of tolerance is invoked for women only when they are knocking at the doors of extreme male homosocial venues, to the extent that women mostly stay in their sexually assigned places and to the extent that the feminine body is heterosexually appropriated and privatized, the need for tolerance is not triggered.¹⁸ Women's formal political equality is neither the sign nor the vehicle of their integration; to the contrary, that equality is founded in a presumption of difference, organized by a heterosexual division of labor, and underpinned by a heterosexual familial structure, all of which attenuate the need for tolerance and at the same time underscore the difference between formal and substantive equality.

What this means is familiar from several decades of feminist theorizing about efforts to obtain gender equality in a liberal political frame: precisely because this effort, on the one hand, abstracts from women's condition and activities in the private realm (the condition and activities that implicate women's sexuality and women's designation through maternity), and on the other, reifies the subject, woman, rather than apprehending the discourses constituting that subject, women's social equality within liberalism always remains incomplete. A subjection is presupposed and institutionalized, a subjection that turns upon women's hypostasized heterosexual difference privatized and unemancipated, a subjection that licenses everything from marital rape to the feminization of poverty to an inegalitarian sexual division of labor in both the family and the market. It is because and insofar as women are subordinated by a sexual-social division of labor devolving upon their bodies that they can be rendered equals in the public sphere: it is the capacity to split their existence in this fashion that makes them candidates for equality rather than tolerance, or more precisely, that means attainment of political equality does not require the supplement of tolerance in order for male superordination to be maintained.

The rhetoric of tolerance would seem to function, then, as one diagnostic key for relations of subordination in liberalism. It is invoked to redress histories of subordination or exclusion where a more thoroughgoing equality is immediately at stake, where maintenance of an abjected

or subjected Other is possible neither through a mechanism such as privatization of this subordination, nor through sustained institutionalization of this subordination in the economy. Tolerance is invoked in liberal orders when a hegemonic norm cannot colonize or incorporate its other with ease, when that norm maintains or regroups its strength through a new order of marginalization and regulation rather than through incorporation and direct relations of subordination. Hence today, popular political discourse treats heterosexual women as candidates for equality, while lesbian women are candidates for tolerance; the subordinating difference of the former is secured by a heterosexual social and familial order while the latter cannot be. More generally, while gender conceived heterosexually is not a subject for tolerance, gender detached from a heterosexual matrix—not only gay but transgendered and transsexual bodies—immediately convenes the discourse of tolerance, confirming that it is the heterosexual family, the family-economy relation, and the sexual division of labor that secures an order of gender in which male superordination is achieved by means other than an expressly normative discourse excluding or abjecting women. In this regard, the invocation of tolerance functions as a critical index of the limited reach of liberal equality claims. Practices of tolerance are tacit acknowledgments that the Other remains politically outside a norm of citizenship, that the Other remains politically other, that it has not been fully incorporated by a liberal discourse of equality and cannot be managed through a division of labor suffused with the terms of its subordination.

This is not to argue that identities crafted from race, sexuality, ethnicity, Judaism, Islam are crafted from material that inherently makes them eligible for tolerance. It is not to argue that these are primarily normative orders of subordination, producing claims for recognition, while gender and class are materially organized powers, eligible for redistribution claims (Fraser 11–39). To the contrary, the assignation of one order of power to norms and the other to materiality is itself symptomatic of the discursive mystification of certain forms of inequality reinforced by tolerance discourse and the powers of subordination in tolerance discourse. Tolerance *appears* as a discourse of pure normativity, of pure recognition and its limits; what this appearance hides is the inequality and the regulation (achieved through the governmentality of tolerance dispersed in society), and not simply the normative marginalization organizing its subjects. Norms of gender subordination can be entrenched through

the privatization of one crucial aspect of them—the laboring, sexualized, reproductive, often-but-not-always heterosexual feminine body. The fashion in which the gendered body can be split and domesticated is mirrored for a homosexual, Jewish, or other racialized body only through the practice of passing.

If tolerance discourse is triggered when subordination at the site of a difference cannot be maintained through privatization of that difference, it would seem that gender subordination could be almost completely privatized while the Jewish difference figured as masculine and racialized could not be. If tolerance discourse is triggered when a historical practice of social marking and exclusion is sustained while its subordinating effects are somewhat attenuated, a social-familial division of labor allows male superordination to be sustained amidst a discourse of formal equality, but there is no parallel institutional instantiation for white and Christian superordination. If tolerance discourse is triggered when incorporation of a given subcommunity threatens the unity and homogeneity as well as the formal and informal norms of the nation, sex difference construed heterosexually does not figure such subcommunity or such a threat, while Jews as a nation, and Jews as a race, do. If tolerance discourse is triggered when a marked group is incorporated by the nation, yet, in order not to disturb a governing norm, is at the same time denoted as Other, then such a discourse is not needed for a group whose incorporation does not erase the visible sign of difference.

But if tolerance entails privatization of a difference that matters, a privatization that always threatens to leak into the public, why isn't this women's situation? Privatization of a difference is not equivalent to subordination through difference in the private sphere; the former is an expressly political and discursive achievement while the latter can occur inarticulately and independently of the law and independently of other discourses of governmentality. Women do not need to be tolerated because the discourse of their difference remains the site and vehicle of a subordination achieved through a division of labor working across and itself articulating a set of public/private distinctions.

Both Jews and women, formally emancipated in nineteenth- and twentieth-century Europe, gain political equality without fully shedding the stigma of their difference. For Jews, emancipation is accompanied by the governmentality of tolerance because once the legal strictures are removed, the discursive construction of the Jewish difference ceases to

be systematically subordinating as a state or economic operation, but this very loss constitutes a threat to a crucial Euro-Atlantic nation-state norm. In this regard, tolerance iterates differences whose significance may be fading but in so doing, veils its own role in activating these differences and hence its own work of subordination. This veiling is enhanced by the dispersion of the rationality of tolerance, its steady governmentalization over the nineteenth and twentieth centuries. As tolerance comes to emanate from a growing range of civil sites—from schools and police forces to neighborhood associations and individuals—and comes to regulate ever more objects—from sexual minorities to Muslims—it appears as nothing more than a simple and benign strategy of peaceful social cohabitation.

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Notes

- 1 In *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870*, Jacob Katz argues that however different the national stories of Jewish emancipation across western and central Europe—Germany, Hungary, Austria, France, Holland, and England—“Jewish emancipation, in its wider sense, occurred more or less simultaneously. It can also be said to have followed a similar, if not identical course” (3). He argues further that

the story of Jewish emancipation in any of the Western European countries could be told separately but not for each country in isolation. For there is a reciprocal influence here that cannot be ignored. The example and teaching of German reformers like Moses Mendelssohn had their effect on French Jews; and the political advances gained by French Jews through the French
- 2 One clear instance of this change in political orientation toward the Jews is the difference in both tenor and aim between two Viennese policies toward the Jews that were separated by fewer than twenty years. Empress Maria Theresa’s *Judenordnung* of 1764 was hostile and punitive while Emperor Joseph II’s *Toleranzpatent* of 1782 was rational, benevolent, and administrative. Neither policy made the Jews citizens; both aimed to reform Jewish practice and behavior in order that Jews could be tolerated, but the *Toleranzpatent* took up this task of reform in the style of an administrative and regulatory state rather than an antagonistic one.
- 3 Here is French historian Theodore Reinach’s formulation of the

Revolution had their impact on German Jewry. (3–4)

historico-ontological effect of Jewish emancipation, from *Histoire des israélites depuis la ruine de leur indépendance nationale jusqu'à nos jours* (1914):

[T]he Jews, since they have ceased to be treated as pariahs, must identify themselves, in heart and in fact, with the nations which have accepted them, renounce the practices, the aspirations, the peculiarities of costume or language which tended to isolate them from their fellow citizens, in a word cease to be a dispersed nation, and henceforth be considered only a religious denomination. (qtd. in Marrus 94)

- 4 As already suggested, the Protestant character of religious tolerance in the West, in which religion is cast as a private matter of individual conscience and belief, is a poor fit for Jews as members of a *Volk* or nation. Patchen Markell underscores this ill-fit in his reading of the Prussian Emancipation Edict of 1812. The Edict, Markell notes, refers to Jews as “persons of the Jewish faith,” a gesture that discursively severs them from the Jewish nation and portrays them instead as “individual subscribers to a religious creed,” akin to Lutheranism or Catholicism (135–36).
- 5 Foucault makes a convincing case that, in parallel fashion, nineteenth-century discourses of sexuality produced a subject exhaustively defined by desires marked as perverse:
- The nineteenth-century homosexual became a personage [. . .] a type of life, a life form, and a morphology [. . .]. Nothing that went into his total composition was unaffected by his sexuality. It was everywhere present in him: at the root of all his actions because it was their insidious and indefinitely active*

principle [. . .]. It was consubstantial with him, less as a habitual sin than as a singular nature. The sodomite [of old] had been a temporary aberration; the homosexual was now a species. (History of Sexuality 43)

Though it is beyond the purview of this paper to explore it, there was a significant intercourse and even interconstitutiveness between the emerging discourses of racialization and sexualization; the racialization of the Jew had a substantial sexual component. See note 7.

- 6 As Sander Gilman notes, much of the racial theory marking Jews as “black” in nineteenth-century Germany and Austria was rooted in speculations about Jewish interbreeding with Africans during the period of the Alexandrian exile, thus constituting Jews as a mongrel rather than pure race and producing mongrelization as an explanation for Jewish inferiority. Gilman adds that Jews were regarded as having inherently endogamous kinship practices that resulted in impurity from the beginning. The mongrelization (as opposed to healthy mixing) of Jewishness did not make it any less categorizable (or reviled) as a race (174).
- 7 Needless to say, these emerging discourses of racialization and gender were not entirely distinct, though they tend to be treated as such in the literature. Laqueur, for example, discusses the sexualization of gender largely without reference to race, while Gilman tends to treat even the sexualized racialization of the Jew without reference to the discourses of gender upon which Laqueur draws. This is a sad irony of compartmentalized scholarship, for as even the popular imagination knows, the nineteenth-century racialization of Jews and Africans,

- and that of “Orientals” too, was markedly sexual, achieving its subordinating effects through feminization (in the case of the Jew) or through animalization (in the case of the African) of both the sex drive and sexual morphology of male members of the “race.”
- 8 If what currently ruins women is an education that neglects or deforms their rational capacities, what is it that ruins men in the existing sexual order of things? Here, Wollstonecraft draws on the Enlightenment conviction that illegitimate rank corrupts; men born to high station rather than earning it is the toxic stuff of the *ancien régime*. Thus, privilege by birth, which is what men in male-dominant regimes everywhere possess, must be eliminated not just for the sake of an egalitarian ideal but to promote social virtues ranging from authenticity to industriousness. For Wollstonecraft, this is particularly important in the family, where virtue is nourished in the young. See 44–45, 146–50.
- 9 *However brutal a tyrant she may unfortunately be chained to—though she may know that he hates her, though it may be his daily pleasure to torture her, and though she may feel it impossible not to loathe him—he can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her own inclinations. (Mill 148)*
- 10 To an even greater degree than Wollstonecraft, Mill flirts with the notion that women may have a group inferiority in certain areas, and he even entertains the possibility of a mental difference related to their sex; but these differences are never expressly tied to the sexual or reproductive dimensions of the female body. See 175–88.
- 11 Rousseau’s position is echoed a century later in British moral psychology. In “Sex in Mind and Education: A Commentary” (1874), a manifesto against educating women like men, Herbert Cowell declares, “Physiologists are [. . .] agreed that there is sex in mind as well as in body, and that the mental qualities of the sexes correlate their physical differences” (qtd. in Rowold 82).
- 12 Other strategies for legitimating women’s foreclosure from political, intellectual, or economic life, however, rely less directly on the sexual or reproductive body and more on another kind of heterosexual functionalism, one that harkens back to the status-based arguments for gender subordination preceding what Laqueur describes as the sexualization of the gendered body commencing in the late eighteenth century.
- 13 This formulation of public equality on the back of privatized difference, of course, comprises many of feminism’s internal tensions and stumbling blocks over the next two centuries.
- 14 Indeed, this was precisely the worry voiced initially about vice-presidential candidate Lieberman’s fitness for the job: could he come to work, could he wage a war, on the Jewish sabbath or holy days? Was he too much of a Jew to be a universal representative of the people?
- 15 See *Discipline* 231–56 and “Omnes et Singulatim.”
- 16 From *Blackstone’s Commentaries on the Laws of England*, qtd. in Pateman 152, and Kant, *The Metaphysics of Morals*, excerpted in *Political Writings* 139.

- 17 This securing and resolution was beautifully exhibited in the pressure exerted upon the wife of Bill Clinton by his advisors, after he lost his 1980 Arkansas gubernatorial reelection bid, to take his name. In 1981, after five years of marriage, she bid adieu to Hillary Rodham and became Mrs. Clinton.
- 18 Even today, one hears the language of tolerance applied to women only when men are characterizing a disruption to an avowed pleasure produced by the reigning masculinism in a particular venue. In such characterizations, the *equality* of men and women is rarely at issue, and men who might not want women in their social clubs might well consider women equals; rather, what is at stake is an alleged gender-based *affinity*.

Works Cited

- Baron, Salo. "Newer Approaches to Jewish Emancipation." *Diogenes* 29 (Spring 1960): 57.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Trans. A. Sheridan. New York: Vintage, 1979.
- . *History of Sexuality: An Introduction, Volume I*. Trans. Robert Hurley. New York: Random House, 1978.
- . "Omnes et Singulatim: Towards a Criticism of Political Reason." In *The Tanner Lectures on Human Values*. Vol. 2. Sterling McMurrin, ed. Cambridge: Cambridge UP, 1981. 225–54.
- . *The Order of Things: An Archaeology of the Human Sciences*. New York: Random House, 1975.
- Fraser, Nancy. "Recognition and Redistribution." *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*. New York: Routledge, 1997.
- Gilman, Sander. *The Jew's Body*. New York: Routledge, 1991.
- Hegel, Georg Wilhelm Friedrich. *The Philosophy of Right*. Ed. Allen W. Wood. Cambridge: Cambridge UP, 1991.
- Kant, Immanuel. *Political Writings*. Ed. H. Reiss. Cambridge: Cambridge UP, 1970.
- Katz, Jacob. *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770–1870*. Cambridge: Harvard UP, 1975.
- Laqueur, Thomas. *Making Sex: Body and Gender from the Greeks to Freud*. Cambridge: Harvard UP, 1990.
- Markell, Patchen. *Bound by Recognition*. Princeton: Princeton UP, 2003.
- Marrus, Michael R. *The Politics of Assimilation: The French Jewish Community at the Time of the Dreyfus Affair*. Oxford: Clarendon, 1971.
- Mill, John Stuart. *The Subjection of Women. On Liberty with Subjection of Women and Chapters on Socialism*. Ed. Stefan Collini. Cambridge: Cambridge UP, 1989.
- Pateman, Carole. "Women and Consent." *Political Theory* 8 (1980): 152.
- Rousseau, Jean-Jacques. *Émile*. Ed. and trans. Allan Bloom. New York: Basic, 1979.
- Rowold, Katharina, ed. *Gender and Science: Late-Nineteenth-Century Debates on the Female Mind and Body*. Bristol: Thoemmes, 1996.

Schiebinger, Londa. *The Mind Has No Sex: Women in the Origins of Modern Science*. Cambridge: Harvard UP, 1989.

Scott, Joan W. *Only Paradoxes to Offer: French Feminists and the Rights of Man*. Cambridge: Harvard UP, 1998.

Vital, David. *A People Apart: A Political History of the Jews in Europe, 1789–1939*. Oxford: Oxford UP, 1999.

Wollstonecraft, Mary. *A Vindication of the Rights of Woman*. Ed. Carol H. Poston. 2nd ed. New York: Norton, 1988.