

2. REASONS FOR NATURALIZING THE JEWS IN GREAT BRITAIN AND IRELAND (1714)¹

JOHN TOLAND

It is manifest almost at first sight, that the common reasons for a GENERAL NATURALIZATION, are as strong in behalf of the *Jews*, as of any other people whatsoever. They encrease the number of hands for labor and defence, of bellies and backs for consumption of food and raiment, and of brains for invention and contrivance, no less than any other nation. We all know that numbers of people are the true riches and power of any country, and we have been often told, that this is the reason, why *Spain* (since the expulsion of the *Jews* and *Moor*s) being continually drained of her inhabitants by the colonies in *America*, and all other Nations being in a manner kept out by the rigor of the *Inquisition*, is grown so prodigiously weak and poor: whereas, tho *Holland* has comparatively but *Jew native inhabitants*, and sends great numbers yearly to the *East-Indies*; yet allowing an unlimited LIBERTY OF CONSCIENCE, and receiving all nations to the right of citizens, the country is ever well stockt with people, and consequently both rich and powerful to an eminent degree....

My purpose at present then, is to prove, that the *Jews* are so far from being an Excrement or Spunge (as some wou'd have it) and useless members in the Commonwealth, or being ill subjects, and a dangerous people on any account, that they are obedient, peaceable, useful, and advantageous as any; and even more so than many others: which last point, as seeming the least probable, I shall briefly demonstrate in two or three respects. And, in the first place, it is evident, that by receiving of the *Jews*, no body needs be afraid that any religious Party in the nation will thereby be weaken'd or enforc'd. The *Protestant Dissenters* have no reason to be jealous, that they

should join with the *National Church* to oppress them, since they have an equal interest to preserve LIBERTY OF CONSCIENCE; and that the example of *Spain* and *Portugal* has taught 'em how dangerous a thing it is, that one sett of *Clergy-men* shou'd dispose and influence all things at their pleasure in any country. The *National Church* on the other hand, has no reason to be jealous that the *Jews* should come in for snacks with them in sharing the Ecclesiastical Benefits; so that no candidate or expectant from the *University* needs shew his zeal on this occasion, to keep the *Jews* out of the nation (as has been done once on a time to keep the *Dissenters* out of the *Church*) lest he should be shoulder'd out of a Parish by some *Levite*, or be kept from a fat Bishoprick by a *Rabbi*. There's as little danger they shou'd ever join with any particular Body of *Dissenters* against the *National Church*, since they can expect no more favor from the one, than from the other: and that it is always their interest to preserve the legal Establishment, on which their own Security is grounded. For this reason likewise, they'll never join with any Party in civil Affairs, but that which patronizes LIBERTY OF CONSCIENCE and the *NATURALIZATION*, which will ever be the side of Liberty and the Constitution. But otherwise they are wholly devoted of those engagements to *Whig* and *Tory*, which are become hereditary in so many Families: and this holds as true of other Factions; which shou'd consequently recommend them to the favor of all Parties, would people but think for themselves: and not, like so many Brutes, be led or driven by a few self-interested Demagogues.

ANOTHER Consideration that makes the *Jews* preferable to several sorts of People, is, their having no

Country of their own, to which they might retire, after having got Estates here; or in favor of which, they might trade under the umbrage of our *NATURALIZATION*, which I am certain will be done by many, unless prevented by proper Laws: for I have known several get themselves naturaliz'd before the late Act, yet without ever designing to live in *England*, or to become a part of the *English* Government; but to avoid in their Factorship paying Aliens duties, and for other reasons well known to the Merchants. But the *Jews* having no such Country, to which they are ty'd by inclination or interest as their own, will never likewise enter into any political engagements, which might be prejudicial to ours, as we have known (for Example) certain *French Refugees* to have done, notwithstanding their protection; nay, and to be ever pleas'd with any success against us (which I say, without Prejudice to the more honest and more numerous part) as making for the greatness of their nation, wherein they still took a sort of pride, and to which, some of 'em are gone back again, after failing of their expectations here. The *Jews* therefore being better us'd with us, than any where else in the world, are sure to be ours for ever, which is more than we dare reasonably promise from any other nation, whatever may be expected from their posterity.

To ascend from these particular to more general Reasons, we may observe that Trade is by certain circumstances shar'd in such a manner, and parcel'd out among the inhabitants of the earth, that some, by way of eminence, may be call'd the Factors, some the Carriers, some the Miners, others the Manufacturers, and others yet the Store-keepers of the world. Thus the *Jews* may properly be said to be the Brokers of it, who, whithersoever they come, create business as well as manage it. Yet it is neither by any National Institution of Inclination (as many ignorantly believe) that they do now almost entirely betake themselves to business of Exchange, Insurances, and improving of money upon Security; but they are driven to this way of Livelihood by mere Necessity: for being excluded every where in *Europe*, from publick Employments in the State, as they are from following Handycraft-trades in most places, and in almost all, from purchasing immovable Inheritances, this does no less naturally, than necessarily, force 'em to Trade and Usury, since otherwise they cou'd not possibly live. Yet let 'em once be put upon an equal foot with others, not only for buying and selling, for security

and protection to their Goods and Persons; but likewise for Arts and Handycraft-trades, for purchasing and inheriting of estates in Lands and Houses (with which they may as well be trusted as with Shares in the *publick Funds*) and then I doubt not, but they'll insensibly betake themselves to Building, Farming, and all sorts of Improvement like other people.... I envy not those whole streets of magnificent buildings, that the *Jews* have erected at *Amsterdam* and the *Hague*; but there are other *Jews* enow in the World to adorn *London* or *Bristol* with the like, the fifth part of the People in *Poland* (to name no other Country) being of this Nation. Nay, the very Original of their present numerous Settlement at *Prague* in *Bohemia*, is a Privilege granted them in the tenth Century, to build a Synagogue there, as a recompence for the valiant assistance they lent the inhabitants, in expelling the invading and depopulating Barbarians. And I fancy they could kill the enemies of our British Islands, when they become their own with equal alacrity....

There are among the *Jews*, to be sure, sordid wretches, sharpers, extortioners, villains of all sorts and degrees: and where is that happy nation, where is that religious profession, of which the same may not be as truly affirm'd? They have likewise their men of probity and worth, persons of courage and conduct, of liberal and generous spirits. But one rule of life, which is willingly admitted, nay, and eagerly pleaded by all Societies in their own case (tho miserably neglected in that of others) is, *not to impute the faults of a few to the whole number*: which, considering the unavoidable mixture of good and bad in all communities, wou'd be no less want of charity, than want of justice. The *Jews* therefore are both in their origine and progress, not otherwise to be regarded, than under the common circumstances of human nature. The *Romans* were not less esteem'd for being descended from Shepherds and Fugitives (which originally they had in common with the *Jews*), than are the *English* for being the progeny of barbarous pyrates.... The vulgar, I confess, are seldom pleas'd in any country with the coming in of Foreners among 'em: which proceeds first, from their ignorance, that at the beginning they were such themselves; secondly, from their grudging at more persons sharing the same trades or business with them, which they call *taking the bread out of their mouths*; and thirdly, from their being deluded to

Source: John Toland, *Reasons for Naturalizing the Jews in Great Britain and Ireland. On the same foot with all other Nations. Containing also, A Defence of the Jews against all Vulgar Prejudices in all Countries* (London, 1714), pp. 6, 10-15, 17, 20, 39-46. Original orthography and emphases are retained.

this aversion by the artifice of those who design any change in the Government. But as wise Magistrates will prevent the last, and are sensible of the first: so they know the second cause of the people's hatred, to be the true cause of the land's felicity; and therefore, not minding those, who mind nothing but their selfish projects, they'll ever highly encourage a confluence of strangers. We deny not that there will thus be more taylors and shoo-makers; but there will also be more suits and shoos made than before. If there be more weavers, watchmakers, and other artificers, we can for this reason export more cloth, watches, and more of all other commodities than formerly: and not only have 'em better made by the emulation of so many workmen, of such different Nations; but likewise have 'em quicker sold off, for being cheaper wrought than those of others, who come to the same market. This one Rule of More, and Better, and Cheaper, will ever carry the market against all expedients and devices.

That the encrease of people encreases import and export, garrisons and armies, with the tillage that feeds, and the revenues that pay 'em, is, I hope, no longer a doubt or secret to any. But this only in order the more speedily and effectually to bring these things to pass, that I plead at present for the NARRATIVE OF THE JEWS. This once accomplish'd, I have reason not only to believe that they'll fall to building, husbandry, navigation, and purchasing (as I hinted before) but that they'll come in greater numbers than other people from all countries hither: In several places they are still very hardly treated, tho' their throats are not so familiarly cut as formerly. They are generally expos'd to the affronts and rapine of the Soldiery with impunity; whereas they wou'd be safe from all such rude insults in the peaceable arms of *Britannia*. I have been in several Cities, where they are infamously lock'd up every night, in a quarter by themselves, under a peculiar guard, as at *Prague*; and in others, as at *Calen*, they are not permitted to dwell within the City, but whenever they come over from *Deuis*, on t'other side of the *Rhine*, they must pay so much for every hour they continue in the town, which they must also leave before Sun-set: whereas, if the Citizens of *Calen* understood their own interest, they shou'd rather give 'em immunities and privileges, with a *Synagogue* into the bargain, in order to inhabit among 'em. What a pairy fishertown was *Leghorn*,² before the admission of the *Jews*? What a loser is *Lisbon*,³ since they have been lost to it? I name these cities only for example-sake, having

been a witness to such preposterous politics in many others. They are in most places forc'd to wear a distinct habit, and they do yellow hats at *Rome*, and red ones at *Venice*; they are often taxt for their passage, and lie under a great many other partial regulations. 'Tis true, that in *Turky* they enjoy immovable property, and exercise mechanic arts; they have likewise numerous Academies in *Poland*, where they study in the *Civil* and *Canon* Laws of their nation, being privileg'd to determine even certain criminal Causes among themselves: yet they are treated little better than Dogs in the first place, and are often exposed in the last to unspeakable Calamities.

Now the worse they are us'd on the foresaid and the like accounts in any country, the more they'll be dispos'd to transport themselves hither, where already they live promiscuously with the other Citizens, and without any distinction of habit, or imposition of tribute. They have neither many lucrative employments, nor immoveable possessions to quit in other places, excepting the latter in *Holland*; whereas here they may hope for both, and being onc'd with us, will never leave us: since they cannot be allur'd by ampler privileges from any nation besides; or at least if they be, it must needs be solely our fault. Let no man mistake what I have said of employments: for in the *Church* as I have shewn above, they'll accept of none; and they are as much excluded from most preferments in the *State*, by reason of certain forms of oaths, and some other conditions, which consistently with their religion they cannot perform. But there are offices, where such qualifications are not required; and which may indifferently be held by men of all religions, as many in the *Exchequer*, *Customs*, and *Excise*: nor can I see any reason, why the *Jews* may not be employ'd in several Affairs in the city, as to be Directors of the *Bank*, of the *East India Company*, or the like; and we know the nature of mankind to be such, as not seldom to be ambitious of even expensive employments, for the credit of the honor or the trust. In how many places, since their dispersion (tho' not so frequently of late) have they enjoy'd considerable posts and offices? They have in some been *first Ministers*, high *Treasurers* in many, and *Envoys* in most. In a word they ought to be so naturaliz'd in *Great Britain* and *Ireland*, as, like the *Quakers*, to be incapacitated in nothing, but where they incapacitate themselves. A General Naturalization, and a Total Incapacity from Offices, are perfect inconsistencies: for as one, who understood this matter very well, says, *If few have been found ever since mankind existed,*

*that wou'd for their own native country, without the expectation of any reward, expose their bodies to the weapons of their enemies; do you think there may be such a person found, that will undergo dangers for another Government, where not only he receives no reward, but that he is absolutely excluded from any?*⁴ But the privilege of purchasing alone (especially since Titles are like to be generally secured by the gradual Introduction of Registers) will be the most powerful motive to bring the richest of the *Jews* hither: for it may be easily demonstrated, that the want of immoveable property is the true Reason, and not any pretended Curse or other ridiculous fancy, why none of the vast estates they so frequently acquire, seldom or ever descends to the third Generation; but are always floating and unfixed, which hinders their families from growing considerable, and consequently deprives them of the credit and authority, whereof all men of worth may be laudably ambitious.

NOTES

1 Influenced by Thomas Hobbes, Baruch Spinoza and John Locke, Toland (1670–1722) was one of the most

radical followers of the Enlightenment in Great Britain. His pamphlet, published anonymously, was written during the public debate regarding the naturalization of foreign-born Protestants in Great Britain. Although it elicited little but derisive comment, Toland's essay was the earliest plea for the comprehensive toleration of the Jews, thus initiating the protracted literary struggle for Jewish civic equality.

2 Leghorn (Livorno), a port on the west coast of Italy. Toward the end of the sixteenth century, the ruler of the city encouraged Jewish merchants, mostly former Marranos, (see note 1 of the previous document) to settle in Leghorn. They quickly became a dominant factor in transforming the city into a vibrant, prosperous center of trade.

3 The reference is to Lisbon, Portugal. With their increasing persecution by the Inquisition, many Jewish conversos (Marranos) left Portugal and settled in more liberal communities, such as Leghorn, where they were able to reaffirm their ancestral faith. Toland ascribes the economic decline of Portugal to the departure of the Marrano merchants.

4 Cicero, *Pro L. Cornelius Balbo Oration*, ch. 10.

3. DECLARATION PROTECTING THE INTEREST OF JEWS RESIDING IN THE NETHERLANDS (JULY 13, 1657)¹

THE ESTATES GENERAL OF THE REPUBLIC OF THE UNITED PROVINCES

Upon the request of the elders of the Jewish nation, residing within the United Provinces, as well as those in the Province of Holland, also of those in the city of Amsterdam presented to Their Very Puiasant [the Estates General] containing complaints about unjust and severe procedures applied to them for some time,

by the King of Spain and his subjects with regard to their traffic and navigation as well as in other respects; the officials after deliberation do understand and declare that it should be understood and declared herewith that those of the aforementioned Jewish nation are truly subjects and residents of the United Netherlands, and

¹Source: H. J. Koerner, *Geschiedenis der Joden in Nederland* (Utrecht, 1843), pp. 487–88; in Raphael Mahler, ed. and trans., *Jewish Emancipation: A Collection of Documents by R. Mahler*, Pamphlet Series, Jews and the Postwar World, no. 1 (New York: American Jewish Committee, 1941), pp. 10–11. Reprinted by permission of the American Jewish Committee.

8. "THE JEW BILL" (1753)¹

THE HOUSES OF PARLIAMENT OF GREAT BRITAIN

Whereas by an Act made in the Seventh year of the reign of King James the First, intituled, An

Act that all such as are to be naturalized or restored in Blood, shall first receive the Sacrament of the Lord's Supper, and the Oath of Allegiance, and the Oath of Supremacy, every person who shall apply to be naturalized by Act of Parliament, being of the Age of Eighteen Years or upwards, is required to receive the Sacrament of the Lord's Supper, within One Month before such Naturalization is exhibited, whereby many Persons of considerable Substance professing the Jewish Religion, are prevented from being naturalized by Bill to be exhibited in Parliament for that

Purpose: And whereas by an Act made in the Thirteenth Year of his present Majesty's Reign, intituled, An Act for Naturalizing such Foreign Protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's Colonies in America, Persons professing the Jewish Religion, who have inhabited and resided or shall inhabit and reside for the Space of Seven years or more, in any of his Majesty's Colonies in America, and shall not have been absent out of some of the said Colonies, for a longer space than two months at any One Time during the said Seven Years, are naturalized upon their complying with the terms therein mentioned, without their receiving the Sacrament of the Lord's Supper: Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Persons professing the Jewish Religion may, upon Application for that Purpose, be naturalized by Parliament, without receiving the Sacrament of the Lord's Supper, the said Act of the Seventh Year of the Reign of King James the First, or any other Law,

Statute, Matter or Thing to the contrary in any ways notwithstanding....

Provided also, and it is hereby further enacted, That no Person shall be naturalized by virtue of any Act to be made or passed in pursuance of this Act, unless Proof shall be made by two credible Witnesses, that such Person professeth the Jewish Religion, and hath for Three Years past professed the same, the Proof in both cases before mentioned to be made in such Manner as is now practised in both Houses of Parliament respectively, when Proof is made that any Person hath received the Holy Sacrament, in order to [be naturalized].

And it is hereby further enacted by the Authority aforesaid, ' That from and after the first Day of June, one thousand seven hundred and fifty-three, every Person professing the Jewish Religion shall be disabled, and is hereby made incapable to purchase, either in his or her own name, or in the Name of any other Person or Persons, to his or her Use, or in Trust for him or her, or to inherit or take by Descent, Devise, or Limitation, in Possession, Reversion, or Remainder, any advowson or Right of Patronage, or Presentation, or other Right or interest whatsoever of, in, or to any Benefice, Prebend, or other Ecclesiastical Living or Promotion, School, Hospital, or Donative whatsoever, or any Grant of any Avoidance thereof, and all and singular Estates, Terms, and other Interests whatsoever of, in, or any Benefice, Prebend, or other Ecclesiastical Living or Promotion, School, Hospital, or Donative, which, from and after the said first Day of June, shall be made, suffered or done, to or for the Use or Behoof of any such Person or Persons, or upon any Trust or Confidence, mediately or immediately, to or for the benefit or Behoof of any such Person or Persons,

shall be utterly void and of none Effect, to all Intents, Construction, and Purposes whatsoever.

NOTES

1. Enacted by Parliament in May 1753, this act, in face of the energetic opposition by Christian merchants of London, was repealed a year later.

9. CONCERNING THE AMELIORATION OF THE CIVIL STATUS OF THE JEWS (1781)

CHRISTIAN WILHELM VON DOHM¹

What might be the reasons that induced the governments of almost all European states unanimously to deal so harshly with the Jewish nation? What has induced them (even the wisest) to make this one exception from the laws of an otherwise enlightened policy according to which all citizens should be incited by uniform justice, support of trade, and the greatest possible freedom of action so as to contribute to the general welfare? Should a number of industrious and law-abiding citizens be less useful to the state because they stem from Asia and differ from others by beard, circumcision, and a special way—transmitted to them from their ancient forefathers—of worshipping the Supreme being? This latter would certainly disqualify them from full rights of citizenship, and justify all restrictive measures if it contained principles which would keep the Jews from fulfilling their duties to the state, and from keeping faith in their actions within the community and with single members of the community, and if hatred against those who do not belong to their faith would make them feel an obligation

to deal crookedly with others and to disregard their rights.

It would have to be clearly proved that the religion of the Jews contains such antisocial principles, that their divine laws are contrary to the laws of justice and charity, if one were to justify before the eyes of reason that the rights of citizenship should be withheld entirely only from the Jew, and that he should be permitted only partially to enjoy the rights of man. According to what has become known about the Jewish religion so far, it does not contain such harmful principles. The most important book of the Jews, the Law of Moses, is looked upon by Christians with reverence and it is ascribed by them to divine revelation. This belief in its divine origin alone must banish every thought that this law could prescribe any vicious thing, or that its followers must be bad citizens. But even those who did not start from this assumption have found after investigation that the Mosaic law contains the most correct principle of moral law, justice and order....

Source: "The Jewish Naturalization Act, An Act to Permit Persons Professing the Jewish Religion, To Be Naturalized by Parliament and for Other Purposes Therein Mentioned," *Collection of the Public General Statutes* (London, 1753), vol. 26, pp. 407–11.

Source: Christian Wilhelm von Dohm, *Ueber die bürgerliche Verbesserung der Juden* (Berlin, 1781), a sequel appeared in 1783. In *Readings in Modern Jewish History*, ed. Ellis Rivkin and trans. Helen Lederer (Cincinnati, Ohio: Hebrew Union College Jewish Institute of Religion, 1957), pp. 5–7, 9–22, 50–81. Reprinted by permission of Dr. Ellis Rivkin.

It is natural that in the Jews of our time the sense of oppression under which they live mixes with the hostile feelings of their ancestors against other nations whose lands they were to conquer, feelings which were hallowed by their Law. It may be that some of them hold to the belief that it is permitted to hate as they hated the Canaanites those who, in their societies, scarcely give them permission to live. But these feelings are obviously derived from their old laws; and the natural reactions of the offended and oppressed seem to justify these. It is certain, however, that the present faith of the Jews contains no commandment to hate and offend adherents of other religions. Murder, theft, felony, even when committed by a non-Jew, still remains, according to their law, the same crime.* Conclusions of the kind I mentioned above are possible in all religions and, in fact, do occur in all religions. Each one boasts of being the only, or at least the safest and straightest, way to please God, to reach the goal of a blissful life in the hereafter. Each one boasts that its truth is founded on such clear, irrefutable proofs that only wilful shutting of the eyes could deny its shining light. So every religion insists in its adherents a kind of antipathy against adherents of other faiths, an antipathy which borders sometimes on hatred, sometimes more on contempt, and which manifests itself sometimes more, sometimes less, as political conditions influence the sentiments of the various religious groups toward each other and as the cultural level, the influence of philosophy and

*One finds perhaps in the Talmud places where some rabbis endeavored to prove by sophistic conclusion that it is a minor misdeameanor to defraud a non-Jew. An example of such a kind is the statement that expounds the law to "love thy neighbor and not offend him" meaning only the Israelite. Some writers who are very prejudiced against the Jews have collected these items with many reproaches against the Jewish nation, intending to justify thereby the hatred and persecution of Jews. If, however, as is undoubtedly true, these sayings of some single rabbis were never accepted by the nation, if the Mosaic law as well as the greatest Jewish rabbis make no difference at all between vices and crimes, committed against Jews or non-Jews, then it would be grossly unfair to make the whole nation responsible for the prejudices of some single rabbis and to judge their whole religious system by such sayings; just as it would be wrong to judge Christianity and the moral principles of today's Christians from the sayings of some Fathers of the Church (which often are quite unreasonable and misanthropic). [Dohm's note]

the sciences strengthen or weaken the impact of religious convictions. If therefore every religion severs the bond between man and man and makes men withhold affection and justice from those who are not of the same faith, if this is a natural consequence of the boasted superiority of every faith, then this phenomenon cannot be a valid reason for withholding the rights of citizenship from the adherents of any one faith....

So, even if actually in the faith of today's Jews there should be some principles which would restrict them too strongly to their special group and exclude them from the other groups of the great civil society, this would still not justify their persecution—which can only serve to confirm them in their opinions—so long as their laws are not contrary to the general principles of morality and do not permit antisocial vices. The only prerogative of the government in this case would be (1) to have an exact knowledge of those principles, or indeed only the conclusions drawn from religious principles, and the actual influence of these on their actions, and (2) endeavor to weaken the influence of these principles, by general enlightenment of the nation, by furthering and advancing its morals independently of religion, and, in general, further the refinement of their sentiments.

More than anything else a life of normal civil happiness in a well-ordered state, enjoying the long withheld freedom, would tend to do away with clanish religious opinions. The Jew is even more man than Jew, and how would it be possible for him not to love a state where he could freely acquire property and freely enjoy it, where his taxes would be not heavier than those of the other citizens, where he could reach positions of honor and enjoy general esteem? Why should he hate people who are no longer distinguished from him by offensive prerogatives, who share with him equal rights and duties? The novelty of this happiness, and unfortunately, the probability that this will not in the near future happen in all states, would make it even more precious to the Jew, and gratitude alone would make him the most patriotic citizen. He would look at his country with the eyes of a long misjudged, and finally after long banishment, re-instated son. These human emotions would talk louder in his heart than the sophistic sayings of his rabbis.

Our knowledge of human nature tells us that conditions of this our actual life here have a stronger

influence on men than those referring to life after death. History proves also that good government and the prosperity all subjects enjoy under such a government weaken the influence of religious principles and abolish the mutual antipathy which is only nourished by persecution....

Certainly, the Jew will not be prevented by his religion from being a good citizen, if only the government will give him a citizen's rights. Either his religion contains nothing contrary to the duties of a citizen, or such tenets can easily be abolished by political and legal regulations.

One might oppose to all these reasons the general experience of our states of the political harmfulness of the Jews, intending to justify the harsh way our governments are dealing with them by the assertion that the character and spirit of this nation is so unfortunately formed that on this ground they cannot be accepted with quite equal rights in any civil society. Indeed, quite often in life one hears this assertion that the character of the Jews is so corrupt that only the most restricting and severest regimentation can render them harmless. To these unfortunately, it is said, has been transmitted from their ancestors, if not through their most ancient law, then through their oral tradition and the later sophistic conclusions of the rabbis, such a bitter hatred of all who do not belong to their tribe, that they are unable to get used to looking at them as members of a common civil society with equal rights. The fanatic hatred with which the ancestors of the Jews persecuted the founder of Christianity has been transmitted to their late posterity and they have all followers of this faith. Outbreaks of this hatred have often shown themselves clearly unless held in check by force. Especially have the Jews been reproached by all nations with lack of fairness and honesty in the one field in which they were allowed to make a living—commerce. Every little dishonest practice in commerce is said to be invented by Jews, the coin of any state is suspect if Jews took part in the minting, or if it went frequently through Jewish hands. One hears also in all places where they were allowed to multiply in numbers, the accusation that they monopolize almost entirely the branches of trade permitted to them and that Christians are unable to compete with them in these. For this reason, it is further said, the governments of nearly all states have adopted the policy, in an unanimity from which alone it can be concluded that it is justified to

issue restrictive laws against this nation and to deviate, in its case alone, from the principle of furthering a continuous rise in population. They could not concede to these people who are harmful to the welfare of the rest of the citizens the same rights, and had to adopt the stipulation of a certain amount of property for those permitted to settle down, as guarantee for compliance with the laws and abstinence from criminal activities.

If I am not entirely mistaken there is one error in this reasoning, namely, that one states as cause what in reality is the effect, quoting the evil wrought by the past erroneous policy as an excuse for it. Let us concede that the Jews may be more morally corrupt than other nations; that they are guilty of a proportionately greater number of crimes than the Christians; that their character in general inclines more toward usury and fraud in commerce; that their religious prejudice is more antisocial and clanish; but I must add that this supposed greater moral corruption of the Jews is a necessary and natural consequence of the oppressed condition in which they have been living for so many centuries. A calm and impartial consideration will prove the correctness of this assertion.

The hard and oppressive conditions under which the Jews live almost everywhere would explain, although not justify, an even worse corruption than they actually can be accused of. It is very natural that these conditions cause the spirit of the Jew to lose the habit of noble feelings, to be submerged in the base routine of earning a precarious livelihood. The varied kinds of oppression and contempt the experiences are bound to debase him in his activities, to choke every sense of honor in his heart. As there are almost no honest means of earning a living left to him, it is natural that he falls into criminal practices and fraud, especially since commerce more than other trades seduces people to such practices. Has one a right to be surprised if a Jew feels himself bound by laws which scarcely permit him to breathe, yet he cannot break them without being punished? How can we demand willing obedience and affection for the state from him, who sees that he is tolerated only to the extent that he is a means of revenue? Can one be surprised at his hatred for a nation which gives him so many and so stinging proofs of its hatred for him? How can one expect virtue from him if one does not trust him? How can one reproach him with crimes he is forced to commit because no honest means of earning a

livelihood are open to him; for he is oppressed by taxes and nothing is left him to care for the education and moral training of his children?

Everything the Jews are blamed for is caused by the political conditions under which they now live, and any other group of men, under such conditions, would be guilty of identical errors....

If, therefore, those prejudices today prevent the Jew from being a good citizen, a social human being, if he feels antipathy and hatred against the Christian, if he feels himself in his dealings with him not so much bound by his moral code then all this is our own doing. His religion does not commend him to commit these dishonesties, but the prejudices which we have instilled and which are still nourished by us in him are stronger than his religion. We ourselves are guilty of the crimes we accuse him of; and the moral turpitude in which that unfortunate nation is sunk—thanks to a mistaken policy—cannot be a reason that would justify a continuation of that policy. That policy is a remnant of the barbarism of past centuries, a consequence of a fanatical religious hatred. It is unworthy of our enlightened times and should have been abolished long ago. A look at the history and the origin of the present regulations concerning the Jews will make this clear....

If this reasoning is correct, then we have found in the oppression and in the restricted occupation of the Jews the true source of their corruption. Then we have discovered also at the same time the means of healing this corruption and of making the Jews better men and useful citizens. With the elimination of the unjust and unpolitical treatment of the Jews will also disappear the consequences of it; and when we cease to limit them to one kind of occupation, then the detrimental influence of that occupation will no longer be so noticeable. With the modesty that a private citizen should always show when expressing his thoughts about public affairs, and with the certain conviction that general proposals should always be tailored, if they should be useful to the special local conditions in every state, I dare now, after these remarks, to submit my ideas as to the manner in which the Jews could become happier and better members of civil societies.

To make them such it is first necessary to give them equal rights with all other subjects. Since they are able to fulfill the duties they should be allowed to claim the equal impartial love and care of the state

No humiliating discrimination should be tolerated, no way of earning a living should be closed to them, none other than the regular taxes demanded from them. They would have to pay all the usual taxes in the state, but they would not have to pay protection money for the mere right to exist, no special fee for the permission to earn a living. It is obvious that in accordance with the principle of equal rights, also special privileges favoring the Jews—which exist in some states—would have to be abolished. These sometimes owed their existence to a feeling of pity which would be without basis under more just conditions. When no occupation will be closed to Jews, then they should, in all fairness, not have a monopoly on any occupation in preference to other citizens. When the government will decide to fix the rate of interest by law, the Jew will not be able to ask for any more than the legal rate of interest. If it will be prohibited to private citizens to lend money on pawns, or do so only under certain conditions, the Jews will have to observe these rules.

Since it is primarily the limitation of the Jews to commerce which has had a detrimental influence on their moral and political character, a perfect freedom in the choice of a livelihood would serve justice, as well as representing a humanitarian policy which would make of the Jews more useful and happier members of society.

It might even be useful, in order to achieve this great purpose, if the government would first try to dissuade the Jews from the occupation of commerce, and endeavor to weaken its influence by encouraging them to prefer such kinds of earning a living as are the most apt to create a diametrically opposed spirit and character—I mean artisan occupations....

The Jews should not be excluded from agriculture. Unless the purchase of landed property is restricted in a country to certain classes of the inhabitants, the Jews should not be excluded, and they should have equal rights to lease land. But I do not expect very great advantages from this occupation in respect to the improvement of the nation, because, as remarked above, it is too similar to commerce, it nourishes the spirit of speculation and profit-seeking. I do not wish to see the Jews encouraged to become owners of big estates, octenants (few of them have the necessary capital) but peasants working their own land. The funds which many states provide for colonists could in many cases be used to better advantage by settling the

Jews of the country on vacant pieces of land, and by providing houses and money for agricultural implements. Perhaps it would help to reawaken the love for such work in the nation if the big Jewish tenants or owners of estates would be required to employ a number of Jewish farmhands.

From several sides the proposal has been made that the Jews should be allotted separate districts for settlement and be kept isolated there from the rest of the subjects. In my opinion it would not be advisable to make the religious difference more noticeable and probably more permanent by this step. The Jews, left entirely to themselves, would be strengthened in their prejudices against Christians, and vice versa. Frequent intercourse and sharing the burdens and advantages of the state equally is the most certain way to dull the edge of the hostile prejudices on both sides. The *Judenquartier* (*juiveries* in France) [ghetto] and restricted districts of Jewish residence in many cities are remnants of the old harsh principles in many places (for instance, Frankfurt on the Main, where the *Judenasse* is locked up every night) the evil consequence is that the Jews are forced to build their houses many stories high and live under very crowded conditions resulting in uncleanness, diseases, and bad policing, and greater danger of fire.

No kind of commerce should be closed to the Jews, but none should be left to them exclusively and they should not be encouraged by privileges. On the contrary, by encouraging skilled crafts and agriculture they should be drawn away from commerce, and in the intention of weakening the influence of this one occupation which for such a long time was their only one, it would even be permissible at least in the beginning, to restrict the number of Jews active in commerce, or subject them to special taxes and so establish a fund to encourage other occupations among the nation.

A useful new regulation, which has already been introduced in various states, would be to obligate the Jews to keep their books in the language of the land and not in Hebrew. This would facilitate communication with Christian merchants and in cases of litigation over these books the judges would have less difficulties, fraud and crooked dealings in commerce should be represented to the Jews as the most heinous crime against the state which now embraces them with equal affection, and these crimes should be subjected to the harshest penalties—perhaps exclusion

from the newly granted freedoms for a period of time or permanently.

Every art, every science should be open to the Jew as to every other free man. He, too, should educate his mind as far as he is able; he, too, must be able to rise to promotion, honor, and rewards by developing his talents. The scientific institutions of the State should be for his use, too, and he should be as free as other citizens to utilize his talents in any way.

Another question is whether in our states Jews should be admitted to public office immediately. It seems, in fact, that if they are granted all civil rights, they could not be excluded from applying for the honor to serve the government, and if they are found to be capable, from being employed by the state. I think, however, that in the next generation this capability will not yet appear frequently, and the state should make no special effort to develop it. In most countries there is no lack of skilled civil servants, and without any efforts on the part of the government there are enough applicants for public office. For some of these jobs early education and scholarship, which are hard to come by in the present educational setup for Jews, is required. Other jobs require that the applicant be far removed from any suspicion of misdemeanors due to greed, and this will probably not always be the case in the Jews of today and of the next generation. The too mercantile spirit of most Jews will probably be broken more easily by heavy physical labor than by the sedentary work of the public servant, and for the state as well as for himself it will be better in most cases if the Jew works in the shops and behind the plow than in the state chancelleries. The best middle way would probably be to allow the Jews, without especially encouraging them, to acquire the education necessary for public service, even to employ them in cases where they show special capability, if only to overcome the prejudice which will no doubt endure for a long time. But impartiality would demand that if a Jewish and a Christian applicant show equal capability, the latter deserves preference. This seems to be an obvious right of the majority in the nation—at least until the Jews by wiser treatment are changed into entirely equal citizens and all differences polished off.

It should be a special endeavor of a wise government to care for the moral education and enlightenment of the Jews, in order to make at least the coming generations more receptive to a milder treatment and

the enjoyment of all advantage of our society. The state should not look further into their religious education than would perhaps be necessary to prevent the teaching of antisocial opinions against men of other persuasions. But the government must take care that, besides the holy teachings of his fathers, the Jew is taught to develop his reason by the clear light of knowledge, the science of nature and its great creation, and that his heart is warmed by the principles of order, honesty, love for all men and the great society in which he lives; that the Jew, too, is led at an early age to the sciences required more or less for his future profession. This would have to be done either in the Jewish schools, or if teachers and funds are for the time being lacking, the Jews should be permitted to send their children to the Christian schools (except for the hours reserved for religious instruction). As some Jews perhaps would be kept from making use of this permission by prejudice, they should even be required to send their children to certain classes in accordance with their future vocations. That department of the government which is in charge of public education (an office which should always belong to the state, not to a religious party) should extend its supervision over the education of the Jews, except only for their religious instruction. Regarding all other subjects Jewish schools should be organized just like the best Christian schools, or the Department should order the Jewish children to be admitted to these latter and take care to make sure that Jewish parents need not be afraid that their children might be lured away from the religion of their fathers. No doubt it would be useful for the education of the moral and civil character of the Jew if the government would arrange that in the synagogues, besides the religious instruction which is not to be interfered with, instruction be given sometimes in the pure and holy truths of reason, and especially on the relationship of all citizens to the state and their duties to it. An institution which would, in fact, be highly desirable also for the Christians!

With the moral improvement of the Jews there should go hand in hand efforts of the Christians to get rid of their prejudices and uncharitable opinions. In early childhood they should be taught to regard the Jews as their brothers and fellow men who seek to find favor with God in a different way; a way they think erroneously to be the right one, yet which, if they follow in sincerity of heart, God looks at with favor. Other men should not quarrel with them

about it, but try to lead them by love to still higher truths. The preachers should be required to repeat frequently these principles so much in accord with real Christianity, and they will do it easily if the spirit of love which rules in the parable of the Good Samaritan fills their hearts, if they, like the apostles of Christ, teach that any man of any nation who does right finds favor with God.

An important part of civil rights would be the right for Jews in all places of free worship, to build synagogues and employ teachers at their own expense. This freedom should be limited only in special cases, for instance for the reason that a synagogue would be too much of a financial burden on a very small Jewish community or that the support of too many teachers would cause too great a hardship; just like Christian communities have often to get along without their own teachers and churches. The care of the poor could either be left to the Jews alone, as until now, without help of the government, or the Jews should contribute proportionately to the general fund of these institutions and partake in their advantages. At any rate, government supervision of the Jewish poorhouses and hospitals would be useful, in order to assure the healthiest and best organization and the best utilization of the money appropriated for them. The Jewish community, just as any other organized religious society, should have the right to excommunicate for a period of time or permanently, and in case of resistance the judgment of the rabbis should be supported by the authorities. Regarding the execution of this ban, the state should interfere less when it does not go beyond a religious society and has no effect on the political society, for the excommunicated member of any church can be a very useful and respected citizen. This is a principle of general church jurisprudence which should no longer be doubtful in our times.

The written law of Moses, which does not refer to Palestine and the old judicial and ritual organization, as the oral law, are regarded by the Jews as permanently binding divine commandments. Besides, various commentaries to these laws and arguments from them by famous Jewish scholars are held in the same respects as laws. Therefore, if they are to be granted full human rights, one has to permit them to live and be judged according to these laws. This will no more isolate them from the rest of the citizens of the state than a city or community living according

to their own statutes, and the experience made with Jewish autonomy during the first centuries in the Roman Empire as also in some modern states has shown that no inconvenient or detrimental consequences are to be feared. Although this does not necessarily mean that the laws should be administered by Jewish judges, this would always be more agreeable to them and would avoid many difficulties arising from ignorance of the complicated Jewish jurisprudence in Christian judges which requires the knowledge of the Hebrew language and Rabbinics. It would therefore be better to leave litigation between Jew and Jew in civil cases to their own judges in the first instance; but also to permit the Jews to start court proceedings at the court of the regular Christian judges. These courts as well as the higher instances to which Jews might appeal from the decision of the Jewish judge, would of course have to decide according to Jewish laws, for if they would decide according to the common law great confusion would be unavoidable, and besides the litigant would have the unfair advantage that he could file his claim with the judge whose decision he would expect to be favorable to him. I think, Jewish judges could also (like in Anspach and Baireuth, in Alsace and other countries) take care of the business of notaries and, under supervision of the authorities decide on inheritances, appoint guardians, etc....

A constitution shaped according to these principles would, it seems to me, bring the Jews into society as useful members and at the same time would abolish the many ills that have been done to them and of which they were forced to make themselves guilty. Men of higher insight will decide if my assertions are correct, my proposals feasible....

Now I want to touch upon some objections which might be made to my proposals.... The most serious reason for asserting that the Jews cannot obtain equal rights with the rest of the citizens is the belief "that the Jews are prohibited by their religion from serving in the army, because their Sabbath regulations forbid them to fight on the Sabbath, to make extended marches, and because they would not be able to fulfill their religious obligations and customs when in the army...." [However, there is not the slightest indication of this in the Mosaic law, and up to the destruction of the first Temple we do not find anywhere a remark that the Jews, in their numerous wars, refrained on the Sabbath from defense against their enemies or attack upon enemy armies....]

[Further] just as usual were the military service of this nation under the Pagan and the first Christian emperors, until in 418, the emperor Honorius ruled the Jews to be incapable of serving in war, and so founded a prejudice which he himself uttered not without some doubts, but which in later times took root and will now be quite hard to destroy.... As they fought in Greek and Roman armies they will fight in ours, and just as in ancient times they will again learn to reconcile the observance of the Sabbath and other religious commands and customs [of Judaism] with military service.

Certainly the unnatural oppression under which the Jews have been living for so many centuries contributed to the deterioration of their religious laws from their original goodness and utility, as well as to their general moral corruption. Moses intended to found a permanent, thriving state, and his law contains nothing to the contrary. Governed by this law the state had its golden age, and up until the fifth century the Jews were good citizens of the Roman Empire. Only when they were excluded from all the civil societies of the earth did they forget the relation of their law to the state. As their only occupation, commerce, gave them leisure and at the same time inclination to sophistic speculation, they wove speculations around their religious laws, and lacking better occupations, they strove by anxious observance of certain customs and holidays to achieve special holiness and greater rights to heaven, because civil happiness on earth was so limited. This timid and petty spirit of ceremony which has sneaked into the present day Jewish religion is sure to disappear again as soon as wider horizons are opened to the Jews, as soon as they [are] accepted as members of the political society and can make its interests their own. They will then reform their religious laws and regulations according to the demands of society. They will go back to the freer and nobler ancient Mosaic Law, will explain and adapt it according to the changed times and conditions, and will find authorizations to do so alone in their Talmud?

It is therefore not to be doubted that the Jews, too, will fulfill the obligation to defend the society which has given them equal rights. Of course, this improvement of the Jews in general must not be expected immediately in the coming generation. It is natural that a nation estranged to carrying firearms for fifteen centuries will not be able to acquire

immediately along with the good will, also the soldierly courage and physical fitness required for military service. The last named quality will be furthered by more extended physical labor in farming and crafts, and more nourishing food. Personal courage is in today's kind of warfare no longer so very essential in the soldiers of the rank and file as it used to be in ancient times, when the Jews made good soldiers. The same discipline and training which daily transforms the clumsiest young peasant lad into a worthy soldier will certainly effect the same transformation in the Jew.

For all these reasons, and trusting that human nature is the same in all people, I am convinced that in a few generations the Jews will be just like all other citizens in those states which will give them equal rights, and they will defend the state just like the others....

NOTES

1. Christian Wilhelm von Dohm (1751–1820), German scholar in constitutional law, statistics and modern history; active in the Enlightenment circles of Berlin, where he befriended Moses Mendelssohn. (See documents 11 and 12 in this chapter.) In 1779 he assumed a position

in the Prussian government, serving as the registrar of the secret archives and as councillor in the Department of Foreign Affairs. The title of Dohm's essay may also be translated as "On the Civil Improvement of the Jews." This translation underscores Dohm's argument that an amelioration of the Jews' civil status would bring about the "desired" improvement in their public morality. Dohm's plea for admitting the Jews to citizenship, which he wrote at the behest of Mendelssohn, coincided with the reforms of Joseph II, the emperor of Austria, and thus helped give focus to the ensuing debate throughout Europe on the desirability of granting the Jews civil parity.

2. Dohm's note: A great Jewish scholar [presumably Moses Mendelssohn] whom I questioned about this matter did not hesitate to give his opinion that military service is allowed to his co-religionists today just as it was in old times. He quoted the following supporting passages: "According to Maimonides (*Hilchot Shabbat*, chapter 2, par. 23–25) it is the duty of the Jew to participate in the defense of a city under siege by the enemy on the Sabbath, even if there is only human life in danger; and delay is not permitted. It is also the duty of every Jew to do any kind of work on the Sabbath, without exception, if a human life can be saved by it" (Talmud, *Tractate Erubin*, pp. 19, 45).

10. ARGUMENTS AGAINST DOHM (1782)

JOHANN DAVID MICHAELIS¹

Herr Dohm admits candidly that the Jewish brain is more harmful and more corrupted than that of other Europeans, an admission which several defenders of the Jews were hitherto unwilling to make. He seeks the reason for this, however, in the condition in which the Jew lives, reviled, oppressed,

and forced to support himself almost exclusively from trade. Herr Dohm has probably no idea to what extent I agree with him in this matter; I wrote exactly the same thing thirty years ago in a piece in the *Goettingische gelehrte Anzeigen*. I would like to express my opinion as it was then and as it still is

today. Mine goes one step further, however, than does that of Herr Dohm in that it takes account of the deceitfulness of the Jews.

We can see, principally from reports of investigations of thieves, that the Jews are more harmful than at least we Germans are. Almost half of those belonging to gangs of thieves, at least those of whose existence is known to us, are Jews, while the Jews are scarcely 1/25th of the total population of Germany. If this 1/25th part supplies the same number of ruffian as the whole German people, or even more, then one must conclude that at least in respect to thievery, which I consider to be the lowest of vices, the Jews are twenty-five times as harmful or more than the other inhabitants of Germany.

I also agree with what Herr Dohm says about the praiseworthy aspects of the national character of the Jews and I would add only one comment: The Jews have a great deal of national pride, and not the least reason for this is their conception of themselves as God's Chosen People. It seems to me, however, that this pride has deleterious effects on their nation, preventing them from mingling with other Peoples.

It is clear from several of Herr Dohm's remarks that he does not seek, as others do, to obtain special privileges for those who are Jews only in name or in origin and who do not believe in the Jewish religion, those who are known as Deists, or who are perhaps not even that. I agree with this completely. When I see a Jew eating pork, in order no doubt to offend his religion, then I find it impossible to rely on his word, since I cannot understand his heart.

After so much argument with Herr Dohm on basic issues it undoubtedly appears to my readers that I agree with him about granting citizenship to the Jews. But this is not the case and I must now express my reservations.

In mentioning the Law of Moses Herr Dohm considers that religion to be superior to mine. He sees nothing inimical in it, nothing that could incite the hatred of the Jews towards other people. No one could agree with him about this more than I, permit me nevertheless to raise a different question: Does the Law of Moses make citizenship, and the full integration of the Jew into other Peoples, difficult or impossible? I think it does! The purpose of this Law is to maintain the Jews as a people almost completely separate from other Peoples, and this

purpose is an integral part of all the laws, down to those concerning kosher and non-kosher food, with the result that the Jews have lived as a separate group during 1700 years of dispersion. As long as the Jews continue to observe the Mosaic Laws, as long as they refuse, for example, to eat together with us and to form sincere friendship at the table, they will never become fully integrated in the way that Catholics, Lutherans, Germans, Wendes, and French live together in one state. (I am not discussing isolated cases, but rather the Jews as a collective entity.) Such a people could be useful to the state in agricultural work or in various crafts, if the matter be handled wisely. But it will be impossible to consider the Jew as an equal of our citizens, and it is therefore impossible to grant him the same freedoms. For he will never be a full citizen with respect to love for and pride in his country (as Herr Dohm, for example, takes pride in his Prussian citizenship) and he will never be fully reliable in an hour of danger....

One must mention something in addition to the Law of Moses which Herr Dohm seems not to have considered, and which casts doubt on the full and steadfast loyalty of the Jews to the state and the possibility of their full integration, namely their messianic expectation of a return to Palestine. The Jews will always see the state as a temporary home, which they will leave in the hour of their greatest happiness to return to Palestine. For similar reasons their forefathers were suspect in the eyes of the Egyptians (Ex. 1:10). Passages in the sayings of the Prophets, even in those of Moses himself, seem to promise the Israelites a future return to Palestine, and the Jews at least hope for this return on the authority of those passages. And this is true not only for the simple masses, but also for the great commentators on the Bible who have been universally admired for many hundreds of years, men such as Rashi,² and others who are more objective such as Ibn Ezra³ and David Kimchi,⁴ whose names I cannot mention but to honor them. It is true that our Lutheran commentators often deny this (not all, not the wise Phillip Jakob Spener⁵ for example, whose arguments have almost the force of legal authority among jurists), and so do several others of different religions. But it is doubtful whether they will convince the Jews, particularly when philosophers of the greatest eminence (not necessarily

Source: Johann David Michaelis, "Herr Ritter Michaelis Beurtheilung," in Christian Wilhelm von Dohm, *Ueber die bürgerliche Verbesserung der Juden* (Berlin & Stettin, 1783), vol. 2, pp. 33–51. Originally appeared in *Orientalische und Evangelische Bibliothek*, 19 (1782). Trans. by L. Sachs.

Newton, who is too apocalyptic, but rather Locke) interpret these passages in exactly the same way. A people which nurses these hopes will lack, at the very least, a patriotic love for the fields (*Ackers*) of their fathers. There is even the danger that if the Jewish people lives separately (for it will be necessary to provide special villages for Jewish agricultural settlers and to avoid placing them among the Christians) it may at some time be inflamed by a febrile vision, or led to destruction by some latter-day Pied Piper of Hamlyn.

And now I must state my principal objection. Herr Dohm's proposal to give the Jews rights of citizenship equal to our own, even to the poor Jew who does not bring money into the state, and to open to them all the professions such as agriculture, crafts, etc., would indeed be a blessing for them. But it would gravely weaken the state, even in the unlikely case that the Jews would bring wealth and money directly into the state, or attract them in the course of time. For the power of a state does not depend on gold alone, but rather, in large part, on the strength of its soldiers. And the Jews will not contribute soldiers to the state as long as they do not change their religious views. There are several reasons for this. First, the Jews will not fight on the Sabbath, for they are forbidden to do so. If not attacked.... As long as they observe the laws about kosher and non-kosher food it will be almost impossible to integrate them into our ranks. No one would recommend forming special units for them, especially since the oath of the Jews is one of the most complicated matters in the world. Eisenmenger⁴ is justified in complaining that it is highly doubtful whether the Jew respects an oath

as we do. One must add to this a further physical argument, albeit a hypothetical one, which Herr Dohm seems not to have considered. It is held that the conduct of modern warfare requires a specific minimum height for the soldiers. Whether this claim is justified I am not qualified to judge. At any event this is accepted practice in the two most militarily powerful German states. If this claim be true, very few Jews of the necessary height will be found who will be eligible for the army.

NOTES

1. Johann David Michaelis (1717–1791), German Bible scholar and professor of Oriental languages at the University of Göttingen.
2. Rashi (acronym of *Rabbi Solomon Yitzhak* [1040–1105], French rabbinical scholar and biblical exegete.
3. Abraham Ibn Ezra (1098–1164), Spanish Jewish scholar and poet.
4. David Kimchi (c. 1160–1235), Spanish Jewish grammarian, philologist and biblical exegete.
5. Philipp Jakob Spener (1635–1705), Protestant theologian. His *Pia desideria oder herztliches Verlangen nach gottesfälliger Besserung der wahren evangel. Kirche* (1675) is a classic statement of Pietism, which he subsequently defended against the objections of orthodox theologians.
6. Johann Andreas Eisenmenger (1654–1704) author of *Entdecktes Judenthum* (Judaism Unmasked), a work denouncing Judaism, including charges of using Christian blood for ritual purposes and of poisoning of wells. Eisenmenger supported his argument with citations from talmudic literature, which he had studied with rabbis for nineteen years under the pretence of becoming a proselyte.

11. RESPONSE TO DOHM (1782)

MOSES MENDELSSOHN¹

While reasonable arguments are unanimous in adjudging also to the Jews a participation in the rights of man, it is not thereby understood that even in their present debased condition, they may not be useful to the state, or that their increase might possibly become injurious to it. On this too, Rabbi Menasseh's reasoning in this tract, well deserves attention, since in his days, he would seek for none but a very qualified admission of his brethren to England. Holland alone affords an example which may remove all doubts on that head. There, the increase of the Jews has never yet been complained of, although the means of getting a living are almost as scantily doled out to them, and their privileges are almost as stunted as in many a province of Germany. "Ay," it is said, "but Holland is a commercial country; and therefore cannot have too many trading inhabitants." Agreed. But I should like to know, whether it was commerce which drew people thither; or whether commerce was not rather drawn there by the people? How is it, that so many a city in Brabant and the Netherlands, with equal or perhaps superior commercial accommodations, comes so much behind the city of Amsterdam? What makes people crowd together on a barren soil, ill marshes not intended by Nature to be inhabited; and by industry and art metamorphose lone fens into a garden of God, and invent resources for a comfortable existence, which excites our admiration? What else but liberty, mild government, equitable laws and the hospitable manner in which men of all complexions, garbs, opinions, manners, customs and creeds, are admitted, protected and quietly allowed to follow their business? Nothing else but these advantages have produced, in Holland, the almost superabundant blessings and exuberance of prosperity, for which that country is so much envied.

Generally speaking, "Men superfluous to the state, men, of whom a country can make no use at all," seem to me terms which no statesman should make use of. Men are all more or less useful; they may be employed in this or that way; and more or less promote the happiness of their fellow creatures and their own. But no country can, without serious injury to itself, dispense with the humblest, the seemingly most useless of its inhabitants, and to a wise government, not even a pauper is one too many—not even a cripple altogether useless. Mr. Dohm, in the introduction to his work, has, indeed, tried to determine the quantity which population may not exceed, without overfilling the country and becoming injurious to it. But I think that, with any proviso whatever, no legislator should give this the least consideration; there is no arrangement to oppose the accumulation of souls, no measure to put a stop to increase, that does not tend far more to injure the improvement of the inhabitants, the destination of man and his happiness, than is done by the alleged superfluity. In this, let them depend upon the wise ordering of Nature. Let it quietly take its course, and on no account place impediments in its way, by unreasonable officiousness. Men will flock to places where they can get a living; they multiply and crowd together where their activity has free play. Population increases as long as genius can discover new means of earning. When the sources become exhausted, it instantly stops, of course; and if you make a vessel too full on one side, it will, of itself, discharge the superfluity on the other. Nay, I venture to assert, that such an instance never occurs; and that there never has been a thinning or emigration of the people, which was not the fault of the laws or the management of them. As often as, under any government whatsoever, men become a

Source: Moses Mendelssohn's Preface of 1782 to the German translation of Menasseh ben Israel's *Ynvaldicke Judenthum*, in Mendelssohn's *Jerusalem* (a two-volume collection of Mendelssohn's Jewish writings), trans. M. Samuels (London, 1838), vol. 1, pp. 90–99.

nuisance to men, it is owing to nothing but the laws of their administrators.

In some modern publications, there is an echo of the objection—"The Jews are an unproductive people; they neither till the ground, cultivate the arts, nor exercise mechanical trades; and, therefore, do not assist Nature in bringing forth, nor give her produce another form, but only carry and transport the raw or wrought commodities of various countries one to another. They are therefore, mere consumers, who cannot but be a tax upon the producer." Nay, an eminent, and, in other respects, a very acute author, the other day, loudly complained about the hardship of the producer having to maintain so many consumers, to fill so many useless stomachs. Mere common sense, thinks he, shows that the price of the products of nature, and of the arts, must be run up the greater the number of intermediate buyers and sellers, who themselves add nothing to the stock, yet will have them. Accordingly he gives the State this advice and friendly admonition, either not to tolerate Jews at all, or to allow them to exercise agricultural and mechanical trades.

The conclusion may be heartily well meant, but so much weaker are the premises, which appear so plain and irrefutable to the author. According to his ideas, who are precisely called *producers* and *consumers*? If he alone produces who co-operates in the composing of some tangible thing, or improves it by the labour of his hands, the largest and most valuable portion of the state consists of mere consumers. According to these principles, both the learned and military professions produce nothing, unless the books written by the former may be said to form an exception. From the trading and working classes, there are first to be deducted, merchants, porters, carriers by hand and by water, etc., and at the upshot, the class of producers, as they are called, will consist chiefly of ploughboys and journeymen mechanics. For landholders and master-manufacturers, now-a-days, rarely put their hands to the work themselves. Thus, with the exception of that carefully useful, but considerably minor portion of the population, the state would be composed of individuals who neither cultivate the productions of nature, nor improve them by the labour of their hands—that is, of mere consumers; and will it be therefore said also, of useless stomachs which are a burden to the producers?

Here the absurdity is palpable: and as the conclusion is just, the error must lodge somewhere in the antecedents. And so it does. Not only making something but doing something also, is called producing. Not he alone who labours with his hands, but, generally, whoever does, promotes, occasions, or facilitates anything that may tend to the benefit or comfort of his fellow-creatures, deserves to be called a producer; and, at times, he deserves it the more, the less you see him move his hands or feet. Many a merchant, while quietly engaged at his desk in forming commercial speculations, or pondering, while loling on his sofa, on distant adventures, produces, in the main, more than the most active and noisy mechanic or tradesman. The soldier too produces, for it is he who procures the country peace and security. So does the scholar produce, it is true, rarely anything palpable to the senses, yet matters, at least, equally valuable, such as wholesome advice, information, pastime and pleasure. The expression, "that there is more produced by any Paris pastrycook, than by the whole Academy of Science," could have escaped a man like Rousseau, only in a fit of spleen. The well-being of a country, at large, as well as of every individual in it, requires many things both sensual and intellectual, many goods both material and spiritual and he who, more or less directly or indirectly, contributes towards them, cannot be called a mere consumer; he does not eat his bread for nothing; he produces something in return.

This, I should think, places the matter in a far clearer light to common sense. And as to immediate buyers or sellers, in particular, I will undertake to maintain, that they are not only far from prejudicial, either to the producer or consumer, provided abuses be prevented, but very beneficial and almost indispensable to both; nay, that through their agency, commodities become more useful, more in demand, and also, cheaper; while the producer gains more, and is thereby enabled to live better and happier without any extraordinary exertion of his strength.

I imagine a workman who is obliged to go himself to the farmer for the raw material, and also to take the manufactured product to the wholesaler himself, who has to mind that he lays in, at a certain season of the year, an adequate stock of the former, and takes the latter, as often as he has occasion, to one who may just have a demand for it, and will become a

purchaser. Compare to him, the workman to whom the intermediate dealer brings the raw material into his house, sells it for him for ready money or on credit, according to his present exigency and circumstances. At times he also takes the wrought articles off his hands, and disposes of them to the shopkeeper, at convenient opportunities. What a deal of time and trouble must not the former save, which he may devote to his in-door business, and which the latter is obliged to waste in chance travelling and tarrying about the country, in ever so many avocations, or convivalities, which either he dare not or cannot prevail upon himself to decline. How much more, then, will the former, with the same degree of exertion, work and produce; and thus be able to afford higher prices, and live comfortably notwithstanding? Will not real industry be promoted thereby, and does the intermediate dealer still deserve to be called a useless consumer? This argument in favour of the petty buyer and seller becomes still more forcible when applied to the wholesale dealer, to the merchant proper, who removes and transports the productions of nature and the arts from one country to another, from one hemisphere to another. He is a real benefactor to the state, to the human race at large, and therefore, every thing but a useless stomach living at the producer's charge.

I said, "provided abuses be prevented." These principally consist in the manoeuvres and tricks resorted to by the intermediate dealers in raw materials, to get the grower's fate into their power, and become the rulers of the prices of things, by depressing them in the hands of the first holder, and driving them up in their own. These are great evils, which crush the producer's industry and the consumer's enterprise, and which should be counteracted by laws and by policy regulations. Not indeed summarily, by prohibiting, excluding, or stopping; and least of all, by granted or winked-at monopoly or forestalling. Such measures either aggravate the evils when it is intended to avert by them, or bringing on others still more ruinous. Rather let them seek to abate, as much as possible, all restrictions, abolish all chartered companies, abrogate all preferring and excluding exceptions, grant the humblest dealer and robber in raw materials, equal rights and privileges, with the first house of commerce; in one word, let them every way promote competition, and excite rivalry, and, amongst the intermediate dealers,

whereby the prices of commodities will be kept in equilibrium, arts and manufacturing encouraged on the one hand, and on the other, every one enabled to enjoy the industry of his fellow-creatures without excessive exertion. The consumer may live comfortably without luxury, and the artist yet maintain himself respectably. It is by competition only, by unlimited liberty, and equality of the laws of buying and selling, that those ends can be obtained; and, therefore, the commonest salesman or buyer-up, who takes the raw material from the grower to the workman, or the wrought from him to the grower, is of very considerable utility to the prosperity of the arts, industry, and commerce in general. He causes the raw material to maintain its price to the advantage of the grower, while, for the benefit of the workman, and the prosperity of trades, he seeks to spread the products of industry about in all directions, and to render the comforts of life more known, and more generally serviceable. On this consideration, the pettiest trafficking Jew is not a mere consumer, but a useful inhabitant (citizen, I must say) of the state—a real producer.

Let it not be said, that I am a partial advocate of my brethren; that I am magnifying everything which may go in their favour, or tend to their recommendation. Once more I quote Holland. And when the subjects treated of industry and commerce, what country in the world can be more aptly quoted? It is merely through competition and rivalry, through unlimited liberty and equality of the privileges of buyers and sellers, of whatsoever station, quality, or religious persuasion they be, that all commodities have their price there, but with a moderate difference as to buying and selling; while rivals and competitors bring both the parties to a mean, which tends to their mutual advantage. Hence, with a small sacrifice, you can buy or sell any article whatsoever, at all seasons of the year, and at all times of the day, nowhere better, and with greater ease, than at Amsterdam.

NOTE

1. Moses Mendelssohn (1729–1786) the central personality of the German Jewish Enlightenment. To strengthen the impact of Dohm's treatise, Mendelssohn induced Markus Herz (1747–1803) to translate Menasseh ben Israel's *Vindiciæ Judæorum*, the Dutch rabbi's 1656 refutation of objections advanced by British clergy against

Jewish readmission to England (see document 1 in this chapter). Mendelssohn's lengthy preface, intended as a supplement to Dohm's essay, also gave him the opportunity to correct some of Dohm's views. Mendelssohn, as we see from this excerpt, was particularly perturbed by Dohm's endorsement of the popular view of Jewish commercial and moral corruption—a corruption,

Dohm contended, that would be eliminated with the Jews' admission to citizenship. Mendelssohn, of course, objected to this type of argument. Indicatively, he also rejected the term *buergerliche Verbesserung* (the civil amelioration or betterment), preferring the term *buergerliche Aufnahme* (civil admission). See chapter 3, introduction, note 1.

12. REMARKS CONCERNING MICHAELIS'S RESPONSE TO DOHM (1783)

MOSES MENDELSSOHN

Ritter Michaelis does not seem to know any other vice besides fraud and roguery. I think, however, that where the wickedness of a people is to be evaluated one should not entirely overlook murderers, robbers, traitors, arsonists, adulterers, whores, killers of infants, etc.

But even if one were to judge [a people's] wickedness only by the quantity of thieves and receivers of stolen goods among them, this number should not be viewed in terms of that people's proportion of the entire population. The comparison should rather be made between traders and pedlars among the Jews on the one hand, and among other peoples on the other. I am sure that such a comparison would yield very different proportions. The same statistics, I do not hesitate to maintain, will also show that there are twenty-five times as many thieves and receivers of stolen goods among German pedlars as among Jewish. This is aside from the fact that the Jew is forced to take up such a calling, while the others could have

become field marshals or ministers. They freely choose their profession, be it a trader, pedlar, seller of mouse traps, performer of shadow plays or vendor of curios.

It is true that quite a number of Jewish pedlars deal in stolen goods; but few of them are outright thieves, and those, mostly, are people without refuge or sanctuary anywhere on earth. As soon as they have made some fortune they acquire a patent of protection from their territorial prince and change their profession. This is public knowledge; when I was younger I personally met a number of men [Jews] who were esteemed in my native country after they had elsewhere made enough dubious money to purchase a patent of protection. This injustice is directly created by that fine policy which denies the poor Jews protection and residence, but receives with open arms those very same Jews as soon as they have "stolen their way to wealth." Although he is inspired by Scripture, Herr Ritter Michaelis seems to

have a bias against poverty. Among the Jews, however, I have found comparatively more virtue in the quarters of the poor than in the houses of the wealthy.

The hoped-for return to Palestine, which troubles Herr M. so much, has no influence on our conduct as citizens. This is confirmed by experience wherever Jews are tolerated. In part, human nature accounts for it—only the enthusiast would not love the soil on which he thrives. And he who holds contradictory religious opinions reserves them for church and prayer. In part, also, the precaution of our sages accounts for it—the Talmud forbids us *even to think* of a return [to Palestine] by force [i.e., to attempt to effect Redemption through human effort]. Without the miracles and signs mentioned in the Scripture, we must not take the smallest step in the direction of forcing a return and a restoration of our nation. The Song of Songs expresses this prohibition in a somewhat mystical and yet captivating verse (Song of Songs, 2:7 and 3:5):

I charge you, O daughters of Jerusalem, By the gazelles, and by the hinds of the field, That you stir not up, nor awake my love, Till it please.

... I doubt the validity of Herr Michaelis' view that we are unfit for army service. Does he wish to say that religion should sanction wars of aggression? Let him name the one religion which is cursed enough to do so. Christianity, to be sure, does not. And are not Quakers and Mennonites tolerated and allowed many more privileges and rights than we are?

Herr Michaelis never speaks of Christians and Jews, but always of Germans and Jews. He does not content himself with establishing the religious differences between us, he prefers to see us as strangers who will have to agree to all conditions which the owners of the land are ready to concede to us. But this, in the first place, is a question to be decided: would it not be better for the owners of the land to accept those they now merely tolerate as citizens rather than bringing strangers at great cost, into their country? Secondly, we should also consider the following problem: for how long, for how many millennia, must this distinction between the owners of the land and the stranger continue? Would it not be better for mankind and culture to obliterate this distinction?

I think, moreover, that laws should not be influenced by personal convictions at all. Laws should take their inevitable course, proscribing whatever is not beneficial to the general good. When personal convictions conflict with the laws it is up to the individual to resolve this problem on his own. If then the fatherland is to be defended, everybody who is called upon to do so must comply. In such cases, men usually know how to modify their convictions and to adjust them to their civic duty. One merely has to avoid excessively emphasizing the conflict between the two. In a few centuries the problem will disappear or be forgotten. In this way, Christians have neglected the doctrines of their founders and have become conquerors, oppressors and slave-traders, and in this way, Jews too could be made fit for military service. But it is obvious that they will have to be of the proper height, as Herr Michaelis wisely reminds us, unless they are merely to be used against hostile pygmies and fellow Jews.

Source: Moses Mendelssohn, "Anmerkung zu des Ritters Michaelis Beurtheilung des ersten Theils von Dohm, ueber die buergerliche Verbesserung der Juden" (1783), in *Moses Mendelssohns gesammelte Schriften*, ed. G. B. Mendelssohn (Leipzig, 1843), vol. 3, pp. 365–67. Trans. by J. Hessing.

13. EDICT OF TOLERANCE (JANUARY 2, 1782)¹

JOSEPH II²

We, Joseph the Second by the Grace of God, elected Roman Emperor, at all times the Enlarger of the Empire, King of Germany, Hungary and Bohemia, etc., Archduke in Austria, Duke of Burgundy and Lorraine, send our Grace to all and graciously make known the following.

From the ascension to Our reign We have directed Our most preeminent attention to the end that all Our subjects without distinction of nationality and religion, once they have been admitted and tolerated (*aufgenommen und geduldet*) in Our States, shall participate in common in public welfare, the increase of which is Our care, shall enjoy legal freedom and not find any obstacles in any honest ways of gaining their livelihood and increasing general industriousness.

Since, however, the laws and the so-called Jewish Regulations (*Judenordnungen*) pertaining to the Jewish nation [*Nation*] prevailing in Our hereditary countries in general and particularly in Vienna and Lower Austria³ are not always compatible with these Our most gracious intentions, We hereby will amend them by the virtue of this present edict in so far as the difference in times and conditions necessitates it.

The favors granted to the Jewish nation by this present amendment, whereby the latest Jewish Regulation of May 5, 1764, is fully repeated consist of the following:

As it is our goal to make the Jewish nation useful and serviceable to the State, mainly through better education and enlightenment of its youth as well as by directing them to the sciences, the arts and the crafts, We hereby grant and order....

1. It certainly is not at all our supreme wish here with to grant the Jews residing in Vienna an expansion

[of rights] with respect to external tolerance [*Duldung*].

On the contrary, in the future it will remain that they do not constitute an actual community under a designated leader from their own nation, but as hitherto each family, considered separately, will serenely enjoy the protection of the laws of the land in accordance with the tolerance [*Duldung*] specifically given it by Our government of Lower Austria. Further, as hitherto they will not be allowed public religious worship or public synagogues, they will not be permitted to establish their own press for the printing of prayer books and other Hebrew books, but when necessary they are to turn to available printing presses in Bohemia, should they wish to import Jewish books from foreign lands, which in general is forbidden, they are accordingly obligated in each such instance, to apply for permission and, like all other subjects, to submit imported books to the censor.

2. Likewise, We have no intention by virtue of these new ordinances to increase the number of the members of the Jewish religion in Vienna or in general elsewhere in Our states; nor do we wish to bring foreign [Jews] here without important cause and special merits recommending them. Rather we expressly wish that the number of Jews, and the manner with which they are tolerated, currently in Lower Austria will remain unchanged; and in the places where Jews never resided they will not in the future be granted the right of residence. Only in accordance with specific circumstances and for good cause, We will find it tolerable to make one or two exceptions.

3. In consonance with these limitations to tolerance [*Duldung*], which remains valid, Jews from other lands of Our inheritance will therefore also not be

allowed in the future to come to Vienna in order to stay here permanently, unless they have received a permit from Our government of Lower Austria. And should foreign Jews wish to seek such permission, they would have to apply directly to Us.

4. In order to receive such permission, each and every applicant must indicate without deceit that trade he intends to engage in, or the means of livelihood he wishes to pursue; he must also indicate that he has the assets necessary to support his occupation and to securing the local tolerance [*Toleranz*]. At the same time, he is to indicate to the government of Lower Austria what he believes he can pay for the tolerance to be granted him. The government will then determine the actual sum of the protection money [*Schutzgeld*] or the so-called tolerance, and in such a manner that after due consideration the government could increase or lower the sum should the circumstances of the tolerated [Jew]⁴ improve or worsen.

5. In exchange for payment of the protection money, one will be allowed together with his wife and his children who do not have a trade of their own and who do not independently conduct any commerce, but are still dependent on him, to live in Vienna, to enjoy Our protection and to conduct the activities allowed to his nation, or to engage the means of livelihood opened to him.

6. This protection, however, does not apply to the son of the tolerated head of a household, who is married and has begun to maintain his own household, nor to a daughter who is married to a Jew who is not yet tolerated, or is married to a foreign Jew. The father is obliged forthwith to announce such marriages, and should the son-in-law choose to stay here, he must pay a special tolerance [fee] or, if he should receive permission to leave, pay an exit fee. A son-in-law who is yet tolerated but who contemplates living here, must seek to attain permission—should he be a foreigner, from Us, and should he be a subject of one of the states of Our Empire, from the government of Lower Austria. In such cases in which permission was granted the daughter to marry a foreigner, the bridegroom must pay an exit fee from the dowry that he will take with him.

7. As in the past, it is forbidden for Jews to live in rural regions of Lower Austria, except if they wish to establish a factory or pursue a useful trade in some village, in one of the market towns, in a provincial city, or perhaps in a desolate area. In such an instance,

they must request permission of the government, but after they receive it their rights and freedoms will be the same as their co-religionists in the capital city [Vienna].

The favors granted to the Jewish nation by this present amendment, whereby the latest Jewish Regulation of May 5, 1764, is fully repeated consist of the following:

As it is Our goal to make the Jewish nation useful and serviceable to the State, mainly through better education and enlightenment of its youth as well as by directing them to the sciences, the arts and the crafts, We hereby grant and order:

8. Graciously, that the tolerated Jews may send their children to the Christian primary and secondary schools so that they have at least the opportunity to learn reading, writing, and arithmetic. And although they do not have in Our capital a real synagogue, We nonetheless allow them to establish for their children and at their own expense a school of their own, organized in the standard fashion with teachers of their own religion. Toward this end, they are to select three suitable young people to be instructed by the administration of local primary schools in the acceptable pedagogical practice. Their future primary school will be under the aforementioned administration like all local German primary schools, and with respect to the specific equipment, particularly as regards books of a moral content, the most fundamental will be isolated as soon as possible. In the meantime, it is Our wish to announce to them that in order to remove any worry regarding matters of religion and opinion, that we are inclined to leave it to them to compose these books, on the one condition that they must submit them to the superintendent of schools for inspection and approval.

9. With regard to schools of higher degrees which were never forbidden to Jewish co-religionists. We hereby merely renew and confirm this permission.

10. In order to facilitate their future means of support and to prepare the necessary ways of gaining a livelihood We hereby most graciously permit them from now to learn all kinds of crafts or trades here as well as elsewhere from Christian masters, certainly also amongst themselves, and to this end to apprentice themselves to Christian masters to work as their journeymen, and the latter [the Christian craftsmen] may accept them without hesitation. This, however, should not be interpreted as if We wish to exercise any

Source: Alfred Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien* (Vienna, 1918), vol. 1, pp. 494–500, in Raphael Mahler, ed. and trans., *Jewish Emancipation: A Selection of Documents by R. Mahler*, Pamphlet Series, Jews and the Post War World, no. 1 (New York: American Jewish Committee, 1941), pp. 18–20. Reprinted by permission of the American Jewish Committee. Paras. 1–8, 11, 13, 14–17, 20–23; trans. by P. Mendes-Flohr.

compulsion on Jews and Christians. We merely grant both sides full freedom to come to an understanding about this amongst themselves to their satisfaction.

11. We hereby further grant to the Jewish nation the general license to carry on all kinds of trade, without however the right of citizenship and mastership from which they remain excluded, to be carried on by them freely, only consequently as it is usual here and even then not before having obtained, same as Christians do, the consent of the *Magistrate* in the city, and the government of Lower Austria.

12. These authorities will grant or decline this consent in accordance with the circumstances. The final decision will be in the hands of the bureau of Our royal court in the same manner that matters of the freedoms requested by Christians are. Painting, sculpture and the practice of the other free arts are granted them as to Christians; and we further grant to the Jewish co-religionists the completely free choice of all non-civic branches of commerce and authorize them to apply for the right of wholesale trade under the same conditions and with the same liberties as are obtained by Our Christian subjects. . . .

13. Since the investment in factories and manufacture has always been permitted them, we only use this opportunity to renew this permission in order to encourage them openly to such undertakings that benefit the public.

14. Furthermore, in order to allow them to invest their capital and to secure it, they will be permitted to borrow against real estate, although they do not have the right to assess the latter themselves.

15. Considering the numerous openings in trades and manifold contacts with Christians resulting therefrom, the care for maintaining common confidence requires that the Hebrew and the so-called Jewish language and writing of Hebrew intermixed with German be abolished. . . . We therefore explicitly forbid their use in all public transactions in and out of the courts; in the future the vernacular of the land is to be used instead. In order to obviate all excuses or objections that such a hasty transition would be impossible, we will allow a period of two years, to be calculated from the day of the promulgation of this decree, in which it should be possible to carry out all the necessary changes and arrangements. We, accordingly herewith announce that after this period all legal instruments written in Hebrew or written only in the Hebrew and Jewish letters will be invalid and null and void.

16. In order to facilitate the tolerated Jews in their trades also with regard to the question of servants, it shall be permitted to them from now on to employ as many Jewish as well as Christian servants as their business requires. . . . Nonetheless, they will be required, not as in the past every quarter of a year but once a year, to submit to the government a trustworthy testimony noting together with the children and other family members beholden to their care and fatherly charge also their servants, their names, ages and religion. Every head of a [Jewish] household is required not only to lodge in their homes their Jewish servants but also to ensure that they will not engage in any trade of their own, which is prohibited to Jews who are not tolerated. Moreover, we expect that they [the heads of Jewish households] will not allow foreign Jews residence [in their homes] on the pretext that they are servants and through such a ruse violate Our commandment. Should such violations be discovered, they will be severely punished.

17. It is self-evident that these Jewish servants must be unmarried, and should they have a family, their wives, husbands, or adult children must also be in the service of the same household or in that of another [tolerated] Jew or have the right to engage in a trade, otherwise they will not have the right to reside here [in Vienna] without being tolerated or servants.

18. By the present Decree we hereby permit the existing restrictions with regard to definite Jewish houses to lapse and allow tolerated Jews to lease at their choice their own residences in the city as well as in the suburbs.

19. No less do we hereby completely abolish the head toll hitherto levied on foreign Jews and permit them to enter Our residence [Vienna] from time to time in order to carry on their business.

20. Since we have already announced that we do not wish to increase the number of Jewish families residing here, any foreign Jew who comes here, must immediately upon his arrival register with the government of Lower Austria, and indicate the business [that has brought him to Vienna] and the time required in order to complete it, to wait for the approval, or in any case an answer from the appropriate office. When this period of time is over, they must either leave [Vienna] or request from the government an extension. All those who hide or stay here without the required license or stay beyond the time allotted them, will be sought out, arrested and evicted from

here. We, therefore, impose upon Our government in Lower Austria the explicit task constantly to keep a watchful eye through the police that these foreign Jews will depart [at the appointed time]. To facilitate this surveillance, we also order those Christians and [tolerated] Jews at whose homes alien Jews may be lodging to report this to the authorities, which they are in any case required to do, immediately.

21. With respect to such arrivals [*Ankommende*] it is self-evident that they cannot be treated equally with the local tolerated Jews in transactions and in the management of food shops. Accordingly, they do not have the license to deal in such goods for which only authorized merchants and tolerated Jews have been granted permission. Similarly, the general prohibition, applying to them as well as all others, against peddling (that is, the selling of goods from house to house in the city and also in the country) still remains and with the [threat of] confiscation of these goods.

22. On the other hand, foreign Jews are permitted during the period of fairs to deal in all goods that one is generally allowed to import; at other times, however, they are only permitted to deal in those goods that foreign merchants are permitted to sell. Similarly, like all others, they are permitted to buy goods in order to export them abroad; likewise, they are permitted to take orders from factories and licensed merchants and craftsmen for raw and uncorked materials, and equipment that they have imported here. They are, however, warned to take care not to buy or even help conceal stolen goods and moveable property, a [crime] for which they will be punished with all severity in accordance with the law.

23. In addition, the special double court and notary taxes incumbent upon Jews that hitherto existed are herewith canceled and [we remove].

24. In general all hitherto customary distinctive marks and distinctions, such as the wearing of beards, the prohibition of leaving their homes before twelve o'clock on Sundays and holidays, the frequenting of public places and the like; on the contrary, it shall be permitted to wholesale merchants and their sons as well as to people of such rank to carry swords.

25. Since by these favors we almost place the Jewish nation on an equal level with adherents of other religious associations in respect to trade and employment of civil and domestic facilities, we hereby earnestly advise them to observe scrupulously

all political, civil and judicial laws of the country to which they are bound as all other inhabitants, just as they remain subject with respect to all political and legal matters to the provincial and municipal authorities within their jurisdiction and pertinent activities.

Done in our City of Royal Residence Vienna, the second day of January, 1782, in the eighteenth year of Our reign in the Holy Roman Empire and in the second year of reign in Our hereditary lands.

NOTES

1. Promulgated on January 2, 1782, by Joseph II, this edict—peninating initially only to Lower Austria—reflects his policy of enlightened absolutism. This was the first of a series of imperial edicts that were designed to end the social and economic isolation of the Jews and render them “useful” to the state. A year after he promulgated the Edict of Tolerance, Joseph II issued yet another decree pertaining to the Jews. This 3,500-page document, entitled *Systematic Regulation of the Jewish Nation*, granted the Jews further rights, such as the right to rent land and engage in almost all forms of commerce and crafts. The regulation also contained certain restrictions. The prohibition of the use of Yiddish or Hebrew in public and commercial documents was extended to all Jewish cultural activities. The regulation stipulated that “in the interest of expediting the extirpation of Jewish languages” and at the same time facilitating the use of the languages of the realm, the printing or import of books in Hebrew or Yiddish, except for purely liturgical reasons, was forbidden.
2. Joseph II (1741–1790), was the son of Maria Theresa and Holy Roman Emperor Francis I, whom he succeeded. From the death of his father in 1765 to that of his mother in 1780, he ruled the Habsburg lands jointly with her, but had little power. Upon the assumption of full power, he immediately instituted far-reaching reforms toward the creation of a centralized, rationally organized bureaucratic state; essential correlates to this policy were religious tolerance, unrestricted trade, and universal, secular education, and the reduction of the power of the Church.
3. Lower Austria, which included the city of Vienna, was one of the provinces (*Länder*) of the Habsburg monarchy.
4. The edict confirmed the category of “tolerated Jew” and indeed maintained the restrictions regarding their number. The “tolerated Jews,” however, were now granted new cultural and economic opportunities.

NOTE

1. This play, first published in 1779, is based on the parable of the three rings, a story from Giovanni Boccaccio's *Decamerion* (composed between 1348 and 1353). The play presents Judaism, Christianity and Islam as three sons of a benevolent father who gave each an identical

ring, although each claims that his alone is authentic. Nathan, a Jew, is made the spokesman for the ideals of the Enlightenment: tolerance, brotherhood and love of humanity. Lessing regarded his close friendship with Mendelssohn as a testimony to these ideals. It is thus believed that Nathan was modeled after Mendelssohn.

6. LETTER TO MARKUS HERZ (1777)

IMMANUEL KANT¹

Dearest Friend,

Today Herr Mendelssohn, your and my honorable friend—as I take pride in calling him—departed from here. Having a man of such gentle disposition, and good spirits and intelligence for a constant and intimate companion in Koenigsberg would be the kind of spiritual nourishment which is completely lacking here, and which, as I grow older, I increasingly miss. I did not (I must admit) know how to enjoy the company of such a rare person, or how to avail myself sufficiently of [his presence in Koenigsberg] in part because I was afraid to interfere with the business that had brought him here. The day before yesterday, he honored me by attending two of my lectures—a *la fortune du pot*, as one might say, since the table was not prepared for such a distinguished guest. The lecture, this time, must have seemed rather tumultuous to him; vacations had interrupted the previous one and most of the time, therefore, was spent on

summarizing its content. The summary, naturally, lacked all the clarity and order of the lecture itself. I beg you to help me retain the friendship of this venerable man. . . .

NOTE

1. Immanuel Kant (1724–1804), German philosopher who articulated in a systematic manner the precepts of the Enlightenment. Despite his negative views of Judaism, he had many Jewish disciples and friends.

Markus Herz (1747–1803) was a German-Jewish physician, disciple of Kant, friend of Moses Mendelssohn and advocate of the Enlightenment among his fellow Jews. In August 1777, Mendelssohn (see chapter 1, document 11, note 1) had made a business trip to Koenigsberg, the East Prussian city where Kant taught. Mendelssohn met Kant, with whom he quickly developed a friendship (see document 3 in this chapter). This letter is dated August 20, 1777.

7. THE RIGHT TO BE DIFFERENT (1783)¹

MOSES MENDELSSOHN

Brothers, if you care for true piety, let us not feign agreement where diversity is evidently the plan and purpose of Providence. None of us thinks and feels exactly like his fellow man; why then do we wish to deceive each other with delusive words? We already do this, unfortunately, in our daily intercourse, in our conversations, which are of no particular importance; why then also in matters that have to do with our temporal and eternal welfare, our whole destiny? Why should we make ourselves unrecognizable to each other in the most important concerns of our life by masquerading, since God has stamped everyone, not without reason, with his own facial features? Does this not amount to doing our very best to resist Providence, to frustrate, if it be possible, the purpose of creation? Is this not deliberately to contravene our calling, our destiny in this life and the next?—Rulers of the earth! If it be permitted to an insignificant fellow inhabitant thereof to lift up his voice to you: do not trust the counselors who wish to mislead you by smooth words to so harmful an undertaking. They are either blind themselves, and do not see the enemy of mankind lurking in the ambush, or they seek to blind you. Our noblest treasure, the liberty to think, will be forfeited if you listen to them. For the sake of your felicity and ours, a union of faiths is not tolerance; it is diametrically opposed to true tolerance! For the sake of your felicity and ours, do not use your powerful authority to transform some *eternal truth*, without which civil felicity can exist, into a *law*, some *religious opinion*, which is a matter of indifference to the state, into an *ordinance of the land*! Pay heed to the right conduct of men; upon this bring to bear the tribunal of

wise laws, and leave us *thought and speech* which the Father of us all assigned to us as an inalienable heritage and granted to us as an immutable right. Should, perhaps, the link between *right* and *opinion* be too prescriptive, and should the time not yet be ripe for abolishing it completely without courting damage, try, at least, to mitigate as much as you can its pernicious influence, and to put wise limits to prejudice that has grown gray with age.² At least pave the way for a happy posterity toward that height of culture, toward that universal tolerance of man for which reason still sighs in vain! Reward and punish no doctrine, tempt and bribe no one to adopt any religious opinion! Let everyone be permitted to speak as he thinks, to invoke God after his own manner or that of his fathers, and to seek eternal salvation where he thinks he may find it, as long as he does not disturb public felicity and acts honestly toward the civil laws, toward you and his fellow citizens. Let no one in your states be a searcher of hearts and a judge of thoughts; let no one assume a right that the Omniscent has reserved to himself alone! If we render unto *Caesar* what is *Caesar's*, then do you yourselves render unto *God what is God's! Love truth! Love peace!*

NOTES

1. This call for religious tolerance and pluralism served as the peroration of Mendelssohn's *Jerusalem* (1783), his systematic demonstration of the compatibility of traditional Judaism with the precepts of the Enlightenment.
2. Alas, we already hear the Congress in America striking up the old tune and speaking of a *dominant religion*. [Mendelssohn's note.]

Source: *Immanuel Kant's Werke*, ed. E. Cassirer (Berlin: Bruno Cassirer, 1918), vol. 9, pp. 158–59. Trans. by I. Hessing.

Source: Moses Mendelssohn, *Jerusalem, or, on Religious Power and Judaism*, trans. Allan Arkush, with an introduction and commentary by Alexander Altmann (Hanover: University Press of New England, 1983), pp. 138–39. Reprinted by permission of the University Press of New England.

The difference between legal emancipation and the basic acceptance of the Jew is underscored by the manner in which the Jews were emancipated in the rest of French-“liberated” continental Europe. Here citizenship was granted the Jews by the decree or suasion of the conquering armies of revolutionary France (see document 10). The French emperor Napoleon, (1769–1821), who fancied himself the custodian of the French Revolution, pointed to this disparity when he called 112 Jewish “notables” to the plush Hôtel de Ville in Paris on July 29, 1806 (see document 11). Through a series of pointed questions, he requested that this Assembly of Jewish Notables affirm that Judaism—the *national religion* of the Jews—does not undermine the civic morality and responsibility expected of the Jew as citizen (see documents 12 and 13). In their carefully worded reply, the notables indicated that Judaism does not interfere with the obligations of citizenship (see document 14). The reply of the notables was given the sanctity of binding religious law by the Sanhedrin—the supreme political, religious, and judicial body in Palestine during the Roman period until the fifth century CE—convened by Napoleonic decree. (According to Jewish lore, the reconstitution of the Sanhedrin is associated with the coming of the Messiah, of which Napoleon was well aware.) Meeting from February to March 1807, the Sanhedrin endorsed the answers of the notables (see document 16).

As Napoleon marched east to Poland and to Russia, he had undoubtedly hoped that this dramatic “messianic” gesture of convening the Sanhedrin would earn him the enthusiastic support of the millions of traditional Jews of the region. Indeed many greeted him as a latter-day Cyrus, an eschatological liberator, others thought that he covertly sought to subvert traditional Judaism (see document 17).

The Congress of Vienna, held in 1814 and 1815 for the reorganization of Europe after the defeat of Napoleon at Waterloo, marked the return of the conservatives (see document 21). For the lands formerly under French influence, the *Vormärz*, the period between the Congress of Vienna and the liberal revolutions that began in March 1848, witnessed the erosion of the reforms inspired by the French Revolution. In France, however, the legal and economic achievements of the Revolution were respected. The revolutions of 1830 renewed the process of liberalization throughout Europe, redounding to more favorable legislation on behalf of the Jews. The liberal democratic mood was rekindled more forcefully with the revolutions of 1848. The struggle for liberal and democratic government was accompanied by a demand for the full emancipation of the Jews (see document 24). The resolutions were soon suppressed, and much of the legislation that they inspired was repealed. What the liberals were unable to achieve at the barricades was attained through the economic and social revolution that was slowly affecting Europe. This socioeconomic transformation of Europe led to a greater support of the “bourgeois” principle of legal equality, to which the remaining or renewed disabilities were an offense. The process of legal emancipation of the Jews in Central Europe was completed only with the unification of Germany between 1869 and 1871 and even then was not truly consummated until after World War I (see documents 26 and 27).

1. DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN (AUGUST 26, 1789)¹

THE FRENCH NATIONAL ASSEMBLY

Article I. All men are born and remain, free and equal in rights: social distinctions cannot be found but on common utility....

10. No person shall be molested for his opinions even such as are religious, provided that the manifestation of these opinions does not disturb the public order established by the law.

NOTE

1. After the fall of the Bastille on July 14, 1789, a revolutionary national assembly set out to dismantle France's feudal monarchy and to establish a constitutional democracy. With the declaration of the rights of man and of the citizen, inspired by the Declaration of Independence of the United States, the National Assembly transcribed the slogan of the French Revolution—"liberty, equality and fraternity"—into law. It became the basic law of the French constitution.

SOURCE: Benjamin Flower, ed. and trans., *The French Constitution* (London, 1792), pp. 17–18.

2. DEBATE ON THE ELIGIBILITY OF JEWS FOR CITIZENSHIP (DECEMBER 23, 1789)¹

THE FRENCH NATIONAL ASSEMBLY

MONSIEUR THE COUNT OF CLERMONT TONNERRE:² You have, by the Declaration of Rights, secured the rights of men and of citizens. You have irrevocably established the conditions of eligibility for the administrative assemblies. It seemed that there was nothing further to do in this regard. One honorable member

has in the meantime informed us that non-Catholic inhabitants of several parts of the provinces have been seeing their rights challenged by motives drawn from the very laws made in their behalf. Another has called your attention to citizens who find in their professions obstacles to their enjoyment of the same rights.

SOURCE: Achille-Edmond Halphen, *Recueil des Lois, Décrets, Ordonnances, avis du conseil d'état, Arrêts et Règlements concernant les Israélites depuis la Révolution de 1789* (Paris, 1851), pp. 184–89. Trans. by J. Rubin.

I have thus two issues to examine: exclusion related to profession and exclusion related to religion....

I will deal now with religion. You have already addressed this point in stating in the Declaration of Rights that no one shall be persecuted for his religious beliefs. Is it not profound persecution of the citizen to want to deprive him of his dearest right because of his opinions? The law cannot affect the religion of a man. It can take no hold over his soul; it can affect only his actions, and it must protect those actions when they do no harm to society. God wanted us to reach agreement among ourselves on issues of morality, and he has permitted us to make moral laws, but he has given to no one but himself the right to legislate dogmas and to rule over [religious] conscience. So leave man's conscience free, that sentiments or thoughts guided in one manner or another toward the heavens will not be crimes that society punishes by the loss of social rights. Or else create a national religion, arm yourself with a sword, and tear up your Declaration of Rights. [But] there is justice, there is reason....

Every religion must prove but one thing—that it is moral. If there is a religion that commands theft and arson, it is necessary not only to refuse eligibility to those who profess it, but further to outlaw them. This consideration cannot be applied to the Jews. The reproaches that one makes of them are many. The gravest are unjust, the others are merely wrong. Usury, one says, is permitted them. This assertion is founded on nothing but a false interpretation of a principle of charity and brotherhood which forbids them to lend at interest among themselves.... Men who possess nothing but money cannot live but by making that money valuable, and you have always prevented them from possessing anything else.... This people is insatiable, one says. This insatiability is [however] not certain.

The Jews should be denied everything as a nation, but granted everything as individuals.¹ They must be citizens. It is claimed that they do not want to be citizens, that they say this and that they are [thus] excluded; there cannot be one nation within another nation. The Jews in the [Habsburg Empire] enjoy not only the rights of citizens but [even] the possibility of attaining the honorific distinction [of ennoblement] that we have destroyed and still survives there in all its vigor.... It is intolerable that the Jews should become a separate political formation or class in

the country. Every one of them must individually become a citizen; if they do not want this, they must inform us and we shall then be compelled to expel them. The existence of a nation within a nation is unacceptable to our country.... The emperor admitted the Jews to all ranks, to all duties. They exercised in France the most important public functions. One of our colleagues has authorized me to say that several Jews contributed to his election. They are admitted to the military corps; when I was chairman, a patriotic gift was brought to me by a Jew, a national soldier....

The Jews must be assumed to be citizens as long as it is not proven that they are not citizens, as long as they do not refuse to be citizens. By their petition,² they demand to be considered as such; the law must recognize a right that prejudice alone refuses. But, one says, the law does not rule over prejudice. That was true when the law was the work of one man only; when it is the work of all, that is false.

It is necessary to explain oneself clearly on the position of the Jews. For you to keep silent would be the worst of evils. It would be to have seen the good and not to have wanted to do it; to have known the truth and not to have dared to speak it; finally it would be to place on the same throne prejudice and law, error and reason....

Monsieur de La Fare, bishop of Nancy,³ My arguments and my evidence could not add anything to what M. l'abbé Maury⁴ has said. Placed close to a great number of Jews by the functions with which I am honored, I must present to you my observations of them, and I will limit myself to that.

The Jews certainly have grievances which require redress. Rights enacted by this legislature should be revoked without forgetting that the Jews are men and are unhappy. It is necessary to grant them protection, security, liberty; but must one admit into the family a tribe that is a stranger to oneself, that constantly turns its eyes toward [another] homeland, that aspires to abandon the land that supports it; a tribe that, to be faithful to its law, must forbid to the individuals who constitute it its entrance into armies, the mechanical and the liberal arts, and into the employ of the civil courts and municipalities; a tribe that, in obeying both its own law and the national law, has 108 valueless days in the year?

In all fairness, I must say that the Jews have rendered great service to Lorraine, and especially to the city

of Nancy; but we are faced with a pressing situation. My evaluation [of the situation] obliges me to stand against the motion that has been put before you.

The interest of the Jews themselves demands this stance. The people detest them; in Alsace the Jews are often the victims of popular uprisings. In Nancy, four months ago, people wanted to pillage their homes. I went to the site of the agitation and I asked what complaint they had to make. Some claimed that the Jews had cornered the wheat market; others, that the Jews banded together too much, that they bought the most beautiful houses and that soon they would own the whole city. One of the protesters added: "Yes, Monsieur, if we were to lose you, we would see a Jew become our bishop, they are so clever at taking possession of everything."

A decree that would give the Jews the rights of citizenship could spark an enormous fire. Once they obtained a similar favor from the parliament of England, but immediately the bakers refused them bread, and these unfortunate Jews very soon demanded the repeal of the bill.

I propose to establish a committee which will be charged with the revision of all the legislation concerning the Jews.

NOTES

1. It would have been logical for the Declaration of the Rights of Man and of the Citizen to have embraced all the denizens of France regardless of religion. Abbé l'évêque for one, assumed that it would be sufficient to assure equal rights for the Jews and that no special legislation would thus be necessary (cf. chapter 1, document 17). But the French National Assembly hesitated, continually postponing the decision as to whether the Jews of France were indeed included within the purview of the declaration. The issue of Jewish citizenship was immediately prompted by reports from the province of Alsace that the peasants, riding on the crest of revolutionary enthusiasm, had rioted against the Jews.

The Jews of Alsace and of the neighboring province of Lorraine, (numbering about 30,000 or eighty percent of the Jewish population of France), were Yiddish-speaking and traditional. With few exceptions they earned their livelihood through peddling, grain and cattle trading and petty money lending—pursuits that recurrently brought them into conflict with the local peasantry. The speeches in this document are from the debate in the Assembly on December 23, 1789. On the following day the debate was adjourned, and as was typical no decision had been reached.

2. Count Stanislas de Clermont-Tonnerre (1757–1792), French revolutionary, deputy to the national assembly and consistent advocate of equal rights for the Jews as individuals.
3. That is, citizenship would require that the Jews relinquish their national distinctiveness and communal autonomy and implicitly cultural separateness.
4. This is a reference to the approval of the legislation by Joseph II in 1789. See chapter 1, documents 13 and 14.
5. The count is referring either to the address of the Jews of Paris to the Assembly or to that of the community of Alsace and Lorraine in which they petitioned for full citizenship. (See *Adresse présentée à l'Assemblée Nationale le 26 août 1789, par les Juifs résidant à Paris* [prés. 1789]; *Adresse présentée à l'Assemblée Nationale, 31 août 1789, par les députés réunis des Juifs établis à Metz, dans les Trois Evêchés, en Alsace et en Lorraine* [1789].) He may also be referring to Bert Isaac Bert's speech before the Assembly on behalf of the Jews of Alsace-Lorraine on October 14, 1789.
6. Anne-Louis-Henri de la Fare (1752–1829) was bishop of Nancy, Lorraine, and a vigorous opponent of Jewish civil rights. His speech before the Assembly was reprinted and widely read. See *Opinion de M. l'évêque de Nancy, député de Lorraine sur l'admissibilité de Juifs à la plénitude de l'état civil et des droits de citoyens actifs* (Paris, 1790).
7. Abbé Jean Stieffeln Maury (1746–1817), delegate from Perronne near Lyons. In opposing an increase of Jewish rights, he argued that by virtue of their religion the Jews were alien to France and that, moreover, their malevolence was incorrigible.

for adoption by the Assembly, argued that the inviolability of the principle of religious freedom, and indirectly all the principles of the constitution, would be assured only if it was consistently applied. "I believe that freedom of worship," he concluded, "does not permit any distinction in the political rights of citizens on account of [the Jews'] creed. The question of the political existence of the Jews has been [repeatedly] postponed. Still the Muslims and the men of all sects are

admitted to enjoy political rights in France. I demand that the motion of postponement be withdrawn, and a decree passed that the Jews in France enjoy the privileges of full citizens [*citizens actifs*]" (Achille-Edmond Halphen, *Recueil des Louis*, p. 229).

2. The reference is to the communal autonomy that the European Jews enjoyed in the Middle Ages. Such autonomy was deemed to be incompatible with the principles of the modern state.

6. LETTER OF A CITIZEN TO HIS FELLOW JEWS (1791)

BERR ISAAC BERR¹

Gentlemen and dear brethren,

At length the day has come when the veil, by which we were kept in a state of humiliation, is rent; at length we recover those rights which have been taken from us more than eighteen centuries ago. How much are we at this moment indebted to the clemency of the God of our forefathers!

We are now, thanks to the Supreme Being, and to the sovereignty of the nation, not only Men and Citizens, but we are Frenchmen! What a happy change thou hast worked in us, merciful God! So late as the twenty-seventh of September last, we were the only inhabitants of this vast empire who seemed doomed to remain forever in bondage and abasement; and on the following day, on the twenty-eighth, a day for ever sacred among us, thou inspirest the immortal legislators of France. They pronounce, and more than sixty thousand unfortunate beings, mourning over their sad fate, are awakened to a sense of their happiness by the liveliest emotions of the purest joy. Let it be acknowledged, dearest brethren, that we have not

deserved this wonderful change by our repentance,

or by the reformation of our manners: we can attribute it to nothing but to the everlasting goodness of God. He never forsook us entirely: but, finding that we were not yet worthy of seeing the accomplishment of his promises of a perfect and lasting redemption, he has not, however thought proper still to aggravate our sufferings; and surely our chains had become the more galling from the contemplation of the rights of man, so sublimely held forth to public view. Therefore, our God, who reads the heart of man, seeing that all our resignation would have proved unequal to the task, and that supernatural strength was wanting to enable us to support these new torments, has thought of applying the remedy: He has chosen the generous French nation to reinstate us in our rights, and to effect our regeneration, as, in other times, he had chosen Antiochus, Pompey, and others, to humiliate and enslave us. How glorious it is for that nation, who have, in so short a time, made so many people happy! And surely, if Frenchmen are

to become so themselves, by the additional rights and the additional liberty they have just acquired, how much the more are we, in particular, gainers by the change! And what bounds can there be to our gratitude for the happy event. From being vile slaves, mere serfs, a species of men merely tolerated and suffered in the empire, liable to heavy and arbitrary taxes, we are, of a sudden, become the children of the country, to bear its common charges, and share in its common rights.

What orator could presume to express to the French nation and to its king, all the extent of our gratitude, and of our unalterable submission? But neither the king nor the representatives of the nation seek praise or acknowledgment; their only wish is to behold people happy. In that they expect and they will find their reward. Let us then, dear brethren, let us conform to their wishes; let us examine with attention what remains to be done, on our part, to become truly happy, and how we may be able to show, in some measure, our grateful sense for all the favors heaped upon us. On this subject, gentlemen and dear brethren, give me leave to submit to your judgment the result of some reflections, which our change of condition has suggested to me.

The name of active citizen, which we have just obtained, is, without a doubt, the most precious title a man can possess in a free empire; but this title alone is not sufficient; we should possess also the necessary qualifications to fulfill the duties annexed to it: we know ourselves how very deficient we are in that respect; we have been in a manner compelled to abandon the pursuit of all moral and physical sciences, of all sciences, in short which tend to the improvement of the mind, in order to give ourselves up entirely to commerce, to be enabled to gather as much money as would insure protection, and satisfy the rapacity of our persecutors....

I cannot too often repeat to you how absolutely necessary it is for us to divest ourselves entirely of that narrow spirit, of Corporation and Congregation, in all civil and political matters, not immediately connected with our spiritual laws; in these things we must absolutely appear simply as individuals, as Frenchmen, guided only by a true patriotism and by the general good of the nation; to know how to risk our lives and fortunes for the defence of the country; to make ourselves useful to our fellow citizens, to deserve their esteem and their friendship, to join our

efforts to theirs in maintaining public tranquility, on which that of individuals depends.

Let us do for the present what is within our power, let us take the civic oath of being faithful to the nation, to the law and to the king. This oath contains only the sentiments we have always professed. We have never been accused of being breakers of the law, or of having rebelled even against those who dominated over us; we have always respected and obeyed even those by whom we were ill-treated: we shall then, upon much stronger grounds, remain faithful to laws which reinstate us in our rights, and place us on the same footing with all Frenchmen, leaving us at the same time, at full liberty to profess our religion, and to follow our mode of worship. This oath, I say, which, on our side, is nothing but a renunciation of those presented privileges and immunities which we enjoyed, cannot, under any point of view, wound the conscience of the most observant and the most scrupulous of our brethren; our privileges and our immunities were only relative to our state of slavery.

This oath once taken, let us exert ourselves to fulfill the duties within our reach, but let us avoid grasping at our rights; let us not rush headlong against the opinions of some of our fellow citizens who, rendered callous by prejudice, will reject the idea of Jews being fellow men, fellow creatures. Let it be sufficient for us, at present, to have acquired the invaluable right of assisting at all assemblies of French citizens; but let us not attend them, till we have acquired knowledge sufficient to make ourselves useful members; till we know how to discuss and defend the interests of the country; in short, till our most bitter enemies are convinced, and acknowledge the gross misconceptions they had entertained of us....

Our education has been defective in many points of view. Already the famous Rabbi Hartwig Wessely, of Berlin, has rendered us an eminent service, by publishing several works in Hebrew on this subject. One of his productions, entitled [*Words of Peace and Truth*]² has been translated into French, in the year 1792. It details the causes of our present ignorance, and the means by which we may deserve once more the appellation of the learned and intelligent nation, which God himself gave us. I shall not report here what you find in these useful publications; but I entreat you, dear brethren, to follow this author in his meditations; and you will easily

¹Source: Berr Isaac Berr, "Lettre d'un Citoyen" (Nancy, 1791), in M. Diogené Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 11–23.

remark that our fate, and the fate of our posterity, depends solely on the change we shall effect in our mode of education....

French ought to be the Jews' mother tongue, since they are reared with and among Frenchmen; it has always been the language in which they have made the least proficiency, and which very often they scarcely understand. It is only when compelled by necessity to speak to and to be understood by their neighbours that they begin to blunder some inarticulate words; from hence proceeds this other inconvenience, that those among us who have felt early enough the usefulness of the French language, and have acquired the habit of speaking it with facility, cannot, however, get rid of a German or other foreign accents. Their diction, too, is generally incorrect. I even must say myself, that while I am thus addressing you in French, I feel my want of experience and of proficiency in that language, which I have however chosen in preference, to prove to you, that Jews may commune together and confer with one another in that language, on all topics even on religious matters, and that it is entirely in our powers to avoid encumbering the minds of our youth with the useless study of foreign languages.¹ Have we not the example of the Jews of Asia, the most devout and the most scrupulous of our brethren, who read and write only Hebrew and the language of their country? Why should we continue to bear the name of German or Polish Jews, while we are happily French Jews?...

Let us establish charitable houses of industry, in which the children of poor people and those who are not born to a higher rank, shall learn all the trades and mechanical occupations necessary to society. Let us form among us carpenters, smiths, tailors, etc. And if we can succeed in having a man in each profession, able to work as a master, he will soon form apprentices; and gradually we shall see Jewish workmen who will strive to deserve esteem by earning honourably their livelihood. Thus shall we banish sloth and indolence, occasioned by the idleness of our youth....

If we have been reproached at one time with want of industry, indolence and aversion to labour, let us now avoid such reproaches, which might be unjust formerly, but which we should now deserve. Let us exert all our influence to accustom our poor, who, till now, have been fed by our alms, to prefer the gains of labour, even at the sweat of their brows.

In thus imparting to you my humble ideas of our personal situation, I am, dear brethren, fulfilling a duty the most congenial to my feelings. My thoughts, as you may see, are presented to you in a crude state: it is by your attention and by your meditations, should you deem [my thoughts] worthy, that they are to be matured and quickened into action. Whatever success may attend them, I hope, at least, that you shall do justice to the fraternal sentiments, which unmingled with any other motives, have urged me to exhort and press you, dear brethren, not to lose one moment in taking our situation into your consideration.

I have the honour to be most fraternally, your most obedient and very humble servant,

Berr Isaac Berr

NOTES

1. Berr Isaac Berr (1744–1828), a successful merchant and banker from Nancy. He was prominent in efforts against the defamation of Jewry and in the Jewish struggle for civil equality. In 1789 he was one of six delegated by the Jewish community of Alsace and Lorraine to present its case for civil protection and rights before the National Assembly. He later served successively as a member of the Assembly of Jewish Notables and the Parisian Sanhedrin. Among his literary works is a translation into French of Naphthali Hertz Wessely's *Words of Peace and Truth* (see chapter 2, document 8) under the title *Instructions Salutaires Adressées aux Communautés Juives de l'Empire de Joseph II* (Paris, 1792).

On the morning of the resolution of the National Assembly emancipating all the Jews of France, Berr dispatched this letter to the Jewish congregations of Alsace and Lorraine.

2. See chapter 2, document 8.
3. The reference is to Yiddish.

7. THE DEBATE ON JEWISH EMANCIPATION (AUGUST 22–31, 1796)¹

NATIONAL ASSEMBLY OF BATAVIA²

Van Hamelsfeld:³

It is true that this Assembly presently discusses the question whether 50,000 people will be free or slaves? Why, if this were the case, does one need to watch for an answer? If the question "will he be free or a slave?" were to be asked even concerning one single man, those who recognize freedom as an innate and inalienable right of man will not be in doubt for one moment, and they will declare that man is free. How then, could we doubt when the question "will they be free or not?" concerns 50,000 people?

The question which we are presently discussing is not whether 50,000 people will be free or slaves, since we are talking about Jews. The question is: will the Jewish people be recognized among the Dutch and will it be treated on equal terms with all Dutch citizens in such a way that the Jewish people will be totally equal to the Dutch, without any distinction whatsoever.

This changes the nature of the question entirely, Citizens Representatives! Now it can, it must be a subject for discussions in this Assembly.

It can be a subject for discussions in this Assembly, the Jews are not slaves among us. They may be aliens and, as aliens, be excluded from the special privileges which belong to citizens of the Netherlands, the Dutch people, and which are rights of the citizen in the Netherlands. But no one disputes their rights of man (and these two, rights of man and rights of the citizen, should not be confused).

As persecution in other countries caused inhuman persecutions, the Jewish people were received here, as aliens, with all hospitality. Our wise and fair advisors granted them the freedom to live among us in safety, not only for their person, but also for their

property.... In short, our ancestors allowed to the Jewish people the protection of the laws, which also protect the alien against every form of maltreatment and unjust oppression.

The question, therefore, is only: Will we continue to regard the Jewish people as alien residents, or will we go further and regard them, as Dutchmen, as members of the Batavian people—in other words, not only as our fellow human beings, but also as our fellow-citizens—on an equal footing with Dutchmen?

This question becomes all the more important with regard to the Jews, the more their manners, laws, and customs distinguish them from all other peoples so that a fraternization of this nation with other nations even seems impossible. I merely request that one keep in mind that in this discourse I am not speaking about a few individuals but about the bulk of the Jewish nation living among us.

I may be permitted, Citizen Representatives, to express freely and candidly my feelings about this subject which is not entirely strange to me.

In the first place, I must remark that I do not consider the Jews as a religious faith or a mere brotherhood.... Likewise, I think we must not consider the Jews, in this case, merely as men and, as such, as our natural fellows, our brothers.

Thus, it will not be sufficient to prove that the Jews among us should enjoy all of what men are entitled to as human beings. We must especially consider whether they can be regarded as Dutch and Batavian human beings, that is, as citizens of the Batavian Commonwealth, and consequently whether they can enjoy the same rights as citizens with the Dutch citizens.

However, before I come to the principal and proper question, I will have to say that I am not unfavorably

¹ *Minuten Dagverhaal der handelingen van de Nationale Vergadering*. (The *Flague*. Swan, 1796). Part 2, pp. 647–736, trans. Daniel M. Schwartzman.

14. ANSWERS TO NAPOLEON (1806)

THE ASSEMBLY OF JEWISH NOTABLES¹

Resolved, by the French deputies professing the religion of Moses, that the following Declaration shall precede the answers returned to the questions proposed by the Commissioners of His Imperial and Royal Majesty.

The assembly, impressed with a deep sense of gratitude, love, respect, and admiration, for the sacred person of His Imperial and Royal Majesty, declares, in the name of all Frenchmen professing the religion of Moses, that they are fully determined to prove worthy of the favours His Majesty intends for them, by scrupulously conforming to his paternal intentions; that their religion makes it their duty to consider the law of the prince as the supreme law in civil and political matters, that consequently, should their religious code, or its various interpretations, contain civil or political commands, at variance with those of the French code, those commands would, of course, cease to influence and govern them, since they must, above all, acknowledge and obey the laws of the prince.

That, in consequence of this principle, the Jews have, at all times, considered it their duty to obey the laws of the state, and that, since the revolution, they, like all Frenchmen, have acknowledged no others.

First Question: *Is it lawful for Jews to marry more than one wife?*

Answer: It is not lawful for Jews to marry more than one wife: in all European countries they conform to the general practice marrying only one.

Moses does not command expressly to take several, but he does not forbid it. He seems even to adopt that custom as generally prevailing [at the time], since he settles the rights of inheritance between children of different wives. Although this practice still prevails in the East, yet their ancient sages have enjoined them to restrain from taking more than one wife, except

when the man is enabled by his fortune to maintain several.

The case has been different in the West: the wish of adopting the customs of the inhabitants of this part of the world has induced the Jews to renounce polygamy. But as several individuals still indulged in that practice, a synod was convened at Worms in the eleventh century, composed of one hundred Rabbis, with Gershom at their head.² This assembly pronounced an anathema against every Israelite who should, in future, take more than one wife.

Although this prohibition was not to last forever, the influence of European manners has universally prevailed.

Second Question: *Is divorce allowed by the Jewish religion? Is divorce valid when not pronounced by courts of justice by virtue of laws in contradiction with those of the French Code?*

Answer: Repudiation is allowed by the law of Moses; but it is not valid if not previously pronounced by the French code.

In the eyes of every Israelite, without exception, submission to the prince is the first of duties. It is a principle generally acknowledged among them, that, in every thing relating to civil or political interests, the law of the state is the supreme law. Before they were admitted in France to share the rights of all citizens, and when they lived under a particular legislation which set them at liberty to follow their religious customs, they had the ability to divorce their wives; but it was extremely rare to see it put into practice.

Since the revolution, they have acknowledged no other laws on this matter but those of the empire. At the epoch when they were admitted to the rank of citizens, the Rabbis and the principal Jewish leaders appeared before the municipalities of their respective

places of abode, and took an oath to conform, in every thing to the laws, and to acknowledge no other rules in all civil matters. . . .

Third Question: *Can a Jewess marry a Christian, and a Jew a Christian woman? Or does the law allow the Jews to marry only among themselves?*

Answer: The law does not say that a Jewess cannot marry a Christian, nor a Jew a Christian woman; nor does it state that the Jews can only marry among themselves.

The only marriages expressly forbidden by the law, are those with the seven Canaanite nations, with Amon and Moab, and with the Egyptians. The prohibition is absolute concerning the seven Canaanite nations: with regard to Amon and Moab, it is limited, according to many Talmudists, to the men of those nations, and does not extend to the women; it is even thought that these last would have embraced the Jewish religion. As to Egyptians, the prohibition is limited to the third generation. The prohibition in general applies only to nations in idolatry. The Talmud declares formally that modern nations are not to be considered as such, since they worship, like us, the God of heaven and earth. And, accordingly, there have been, at several periods, intermarriages between Jews and Christians in France, in Spain, and in Germany: these marriages were sometimes tolerated, and sometimes forbidden by the laws of those sovereigns, who had received Jews into their dominions.

Unions of this kind are still found in France; but we cannot deny that the opinion of the Rabbis is against these marriages. According to their doctrine, although the religion of Moses has not forbidden the Jews from intermarrying with nations not of their religion, yet, as marriage, according to the Talmud, requires religious ceremonies called Kidushin, with the benediction used in such cases, no marriage can be religiously valid unless these ceremonies have been performed. This could not be done towards persons who would not both of them consider these ceremonies as sacred; and in that case the married couple could separate without the religious divorce; they would then be considered as married civilly but not religiously.

Such is the opinion of the Rabbis, members of this assembly. In general, they would be no more inclined to bless the union of Jewess with a Christian, or of a Jew with a Christian woman, than Catholic priests themselves would be disposed to sanction unions of

this kind. The Rabbis acknowledge, however, that a Jew, who marries a Christian woman, does not cease on that account, to be considered as a Jew by his brethren, any more than if he had married a Jewess civilly and not religiously.

Fourth Question: *In the eyes of Jews, are Frenchmen considered as their brethren? Or are they considered as strangers?*

Answer: In the eyes of Jews Frenchmen are their brethren, and are not strangers.

The true spirit of the law of Moses is consonant with this mode of considering Frenchmen.

When the Israelites formed a settled and independent nation, their law made it a rule for them to consider strangers as their brethren.

With the most tender care for their welfare, their lawgiver commands to love them, "Love ye therefore the strangers," says he to the Israelites, "for ye were strangers in the land of Egypt."³ Respect and benevolence towards strangers are enforced by Moses, not as an exhortation to the practice of social morality only, but as an obligation imposed by God himself.⁴

A religion whose fundamental maxims are such—a religion which makes a duty of loving the stranger—surely enforces the practice of social virtues, must surely require that its followers should consider their fellow-citizens as brethren.

And how could they consider them otherwise when they inhabit the same land, when they are ruled and protected by the same government, and by the same laws? When they enjoy the same rights, and have the same duties to fulfil? There exists, even between the Jew and Christian, a tie which abundantly compensates for religion—it is the tie of gratitude. This sentiment was at first excited in us by the mere grant of toleration. It has been increased, these eighteen years, by new favours from government, to such a degree of energy, that now our fate is irrevocably linked with the common fate of all Frenchmen. Yes, France is our country; all Frenchmen are our brethren, and this glorious title, by raising us in our own esteem, becomes a sure pledge that we shall never cease to be worthy of it.

Fifth Question: *In either case, what line of conduct does their law prescribe towards Frenchmen not of their religion?*

Answer: The line of conduct prescribed towards Frenchmen not of our religion, is the same as that prescribed between Jews themselves; we admit of

Source: M. Diogenes Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 149–56, 176–95, 201–7.

no difference but that of worshipping the Supreme Being, every one in his own way.

The answer to the preceding question has explained the line of conduct which the law of Moses and the Talmud prescribe towards Frenchmen not of our religion. At the present time, when the Jews no longer form a separate people, but enjoy the advantage of being incorporated with the Great Nation (which privilege they consider as a kind of political redemption), it is impossible that a Jew should treat a Frenchman, not of his religion, in any other manner than he would treat one of his Israelite brethren.

Sixth Question: *Do Jews born in France, and treated by the laws as French citizens, consider France their country? Are they bound to defend it? Are they bound to obey the laws and to conform to the dispositions of the civil code?*

Answer: Men who have adopted a country, who have resided in it these many generations—who, even under the restraint of particular laws which abridged their civil rights, were so attached to it that they preferred being debarred from the advantages common to all other citizens, rather than leave it—cannot but consider themselves Frenchmen in France, and they consider as equally sacred and honourable the bounden duty of defending their country.

Jeremiah (chapter 29) exhorts the Jews to consider Babylon as their country, although they were to remain in it only for seventy years. He exhorts them to till the ground, to build houses, to sow, and to plant. His recommendation was so much attended to, that Ezra (chapter 2) says, that when Cyrus allowed them to return to Jerusalem to rebuild the Temple, 42,360 only, left Babylon; and that this number was mostly composed of the poor people, the wealthy having remained in that city.

The love of the country is in the heart of Jews a sentiment so natural, so powerful, and so consonant to their religious opinions, that a French Jew considers himself in England as among strangers, although he may be among Jews; and the case is the same with English Jews in France.

To such a pitch is this sentiment carried among them, that during the last war, French Jews, have been seen fighting desperately against other Jews, the subjects of countries then at war with France.

Many of them are covered with honourable wounds, and others have obtained, in the field of honour, the noble rewards of bravery.

Seventh Question: *Who names the Rabbis?*

Answer: Since the revolution, the majority of the chiefs of families names the Rabbi, wherever there is a sufficient number of Jews to maintain one, after previous inquiries as to the morality and learning of the candidate. This mode of election is not, however, uniform: it varies according to place and, to this day, whatever concerns the elections of Rabbis is still in a state of uncertainty.

Eighth Question: *What police jurisdiction do Rabbis exercise among the Jews? What judicial power do they enjoy among them?*

Answer: The Rabbis exercise no manner of Police Jurisdiction among the Jews.

It is only in the Mishnah and in the Talmud that the word Rabbi is found for the first time applied to a doctor in the law, and he was commonly indebted for this qualification to his reputation, and to the opinion generally entertained of his learning.

When the Israelites were totally dispersed, they formed small communities in those places where they were allowed to settle in certain numbers.

Sometimes, in these circumstances, a Rabbi and two other sages formed a kind of tribunal, named Beth Din, that is, House of Justice; the Rabbi fulfilled the functions of judge, and the other two those of his assessors.

The attributes, and even the existence of these tribunals, have, to this day, always depended on the will of governments under which the Jews have lived, and on the degree of tolerance they have enjoyed. Since the revolution those rabbinical tribunals are totally suppressed in France, and in Italy. The Jews, raised to the rank of citizens, have conformed in every thing to the laws of the state; and, accordingly, the functions of Rabbis, wherever any are established, are limited to preaching morality in the temples, blessing marriages, and pronouncing divorces....

Ninth Question: *Are these forms of Election, and their police-jurisdiction, regulated by [Jewish] law, or are they only sanctioned by custom?*

Answer: The answer to the preceding questions makes it useless to say much on this, only it may be remarked, that, even supposing that Rabbis should have, to this day preserved some kind of police-judicial-jurisdiction among us, which is not the case, neither such jurisdiction, nor the forms of the elections, could be said to be sanctioned by the law, they should be attributed solely to custom.

Tenth Question: *Are there professions which the law of the Jews forbids them from exercising?*

Answer: There are none: on the contrary, the Talmud (vide Kiduschin, chapter 1) expressly declares that "the father who does not teach a profession to his child, rears him up to be a villain."

Eleventh Question: *Does the law forbid the Jews from taking usury from their brethren?*

Answer: Deuteronomy says, "thou shalt not lend upon interest to thy brother, interest of money, interest of victuals, interest of any thing that is lent upon interest."

The Hebrew word *neshekh* has been improperly translated by the word usury: in the Hebrew language it means interest of any kind, and not usurious interest. It cannot then be taken in the meaning now given the word usury.

Twelfth Question: *Does it forbid or does it allow to take usury from strangers?*

Answer: We have seen, in the answer to the foregoing question, that the prohibition of usury, considered as the smallest interest, was a maxim of charity and of benevolence, rather than a commercial regulation. In this point of view it is equally condemned by the law of Moses and by the Talmud: we are generally forbidden, always on the score of charity, to lend upon interest to our fellow-citizens of different persuasions, as well as to our fellow-Jews.

The disposition of the law, which allows us to take interest from the stranger, evidently refers only to relations in commercial intercourse with us; otherwise there would be an evident contradiction between this passage and twenty others of the sacred writings.⁵

Thus the prohibition extended to the stranger who dealt in Israel; the Holy Writ places them under the safe-guard of God; he is a sacred guest, and God orders us to treat him like the widow and like the orphan.

Can Moses be considered as the lawgiver of the universe, because he was the lawgiver of the Jews? Were the laws he gave to the people, which God had entrusted to his care, likely to become the general laws of mankind? Thou shalt not lend upon interest to thy brother. What security had he, that, in the intercourse which would be naturally established between the Jews and foreign nations, these laws would renounce customs generally prevailing in trade, and lend to the Jews without requiring any interest? Was he then bound to sacrifice the interest of

his people, and to impoverish the Jews to enrich foreign nations? Is it not absolutely absurd to reproach him with having put a restriction to the precept contained in Deuteronomy? What a lawgiver would not have considered such a restriction as a natural principle of reciprocity?

How far superior in simplicity, generosity, justice, and humanity, is the law of Moses, on this matter, to those of the Greeks and of the Romans! Can we find, in the history of the ancient Israelites, those scandalous scenes of rebellion excited by the harshness of creditors towards their debtors, those frequent abolitions of debts to prevent the multitude, impoverished by the exortions of lenders, from being driven to despair?

The law of Moses and its interpreters have distinguished, with a praiseworthy humanity, the different uses of borrowed money. Is it to maintain a family? Interest is forbidden. Is it to undertake a commercial speculation, by which the principal is put at risk? Interest is allowed, even between Jews. Lend to the poor, says Moses. Here the tribute of gratitude is the only kind of interest allowed; the satisfaction of obliging is the sole recompense of the conferred benefit. The case is different in regard to capitals employed in extensive commerce: there, Moses allows the lender to come in for a share of the profits of the borrower; and as commerce was scarcely known among the Israelites, who were exclusively addicted to agricultural pursuits, and as it was carried on only with strangers, that is with neighbouring nations, it was allowed to share its profits with them....

It is an incontrovertible point, according to the Talmud, that interest, even among Israelites, is lawful in commercial operations, where the lender, running some of the risk of the borrower, becomes a sharer in his profits. This is the opinion of all our sages.

It is evident that opinions, teeming with absurdities, and contrary to all rules of social morality, although advanced by a Rabbi, can no more be imputed to the general doctrine of the Jews, than similar notions, if advanced by Catholic theologians, could be attributed to the evangelical doctrine. The same may be said of the general charge made against the Hebrews, that they are naturally inclined to usury: it cannot be denied that some of them are to be found, though not so many as is generally supposed, who follow that nefarious traffic condemned by their religion.

But if there are some not over-nice in this particular practice, is it just to accuse one hundred thousand individuals of this vice? Would it not be deemed an injustice to lay the same imputation on all Christians because some of them are guilty of usury?

NOTES

1. The Assembly's replies were entrusted to a committee of twelve, headed by the halakhic scholar Rabbi David Sinzheim (1745–1812). The committee's answers were adopted by the Assembly at three successive sittings, on the fourth, the seventh and the twelfth of August 1806.
2. Although theoretically permissible, polygamy was discouraged by the sages of the Talmud, and it was explicitly prohibited among Ashkenazi Jewry by a ban popularly attributed to Rabbi (Rabbenu) Gershom ben

Jehuda (c. 960–1028), German Talmudic scholar and spiritual leader.

3. Deut. 10:19.
4. The following passages from Scripture are cited: Exod. 22:21 and 23:9; Lev. 19:34 and 23:22; Deut. 10:18–19 and 24:19; Psalms 145:9; and several Talmudic texts.
5. Deut. 23:19.
6. The following passages from Scripture are cited: Exod. 12:49ff.; Deut. 1:16 and 10:18–19; Lev. 19:33; Exod. 22:21; Lev. 25:15.
7. The Assembly, after concluding the adoption of the answers to the questions posed by Napoleon, declared the fifteenth of August, the Emperor's birthday, as a day Jewry would celebrate with "prayers, thanksgiving, and all the demonstrations of a pure and lively joy" (M. Diogène Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan [London, 1807], p. 212).

15. SUMMONS FOR CONVENING THE PARISIAN SANHEDRIN (SEPTEMBER 18, 1806)¹

COUNT MOLÉ

His Majesty the Emperor and King is satisfied with your answers; we are commanded by him to say, that he has approved the sense in which they are written; but the communication we are going to make in his name will prove, much better than our words, to what extent this assembly may depend on his powerful protection.

In entering this hall for the second time, Gentlemen, we are impressed with the same sentiments, and the same ideas which occurred to us when we were first admitted into it. And who could behold without astonishment such a society of enlightened men, chosen among the descendants of the most ancient people the world? If one of those, who lived

in former years, could again visit this world, and were to be introduced into such an assembly, would he not think himself brought into the middle of the Holy City, or would he not suppose that a terrible revolution had renewed, from the very foundations, the state of all human things? In this he would not be mistaken, Gentlemen. It is after a revolution which threatened to swallow up all nations, thrones, and empires, that altars and thrones are raised everywhere from their ruins to protect the earth; a furious multitude attempted to destroy everything; a man has appeared, and has restored everything; his eye embraces the whole world and past centuries even, to their very origin; he has the wandering remnants of a

nation, rendered as famous by its fall as others are by their greatness, scattered over the face of the earth: it was just that he should consider their situation, and it was right to expect that these same Jews, who hold such a distinguished place in the memory of mankind, should fix the attention of the man who is to occupy it eternally.

The Jews, exposed to the contempt of nations, and not unfrequently to the avance of princes, have never, as yet, been treated with justice. Their customs and their practices kept them afar from society, by which they were rejected in their turn; they have always attributed the ill-conduct and the vices, laid to their charge, to the humiliating laws which oppressed them. Even to this day they attribute the backwardness for agricultural pursuits and useful employments, manifested by some of them to the little reliance which they can place on futurity, after having been, for so many centuries, the sport of circumstances; and seeing their very existence depend on the whim of men in power: they will have no cause to complain in the future, and this ground of defence will be taken from them.

His Majesty's intention is, that no plea shall be left to those who may refuse to become citizens; the free exercise of your religious worship and the full enjoyment of your political rights, are secured to you. But, in return for his gracious protection, His Majesty requires a religious pledge for the strict adherence to the principles contained in your answers. This assembly, constituted as it is now, could not of itself give such a security. Its answers, converted into decisions by another assembly, of a nature still more dignified and more religious, must find a place near the Talmud, and thus acquire, in the eyes of the Jews of all countries, and of all ages, the greatest possible authority. It is also the only means left to you to meet the grand and generous views of His Majesty, and to impart, to all of your persuasion, the blessings of this new era.

The purity of your law has, no doubt, been altered by the crowd of commentators, and the diversity of their opinions must have thrown doubts in the minds of those who read them. It will be then a most important service, conferred on the whole Jewish community, to fix their belief on those points which have been submitted to you. To find in the history of Israel, an assembly capable of attaining the object now in view, we must go back to the Great Sanhedrin,² and it is the Great Sanhedrin, which His Majesty this day intends to convene. This senate, destroyed together with the

Temple, will rise again to enlighten the people it formerly governed: although dispersed throughout the whole world, it will bring back the Jews to the true meaning of the law, by giving interpretations, which shall set aside the corrupted glosses of commentators; it will teach them to love and to defend the country they inhabit; but will convince them that the land, where, for the first time since their dispersion, they have been able to raise their voice, is entitled to all those sentiments which rendered their ancient country so dear to them.

Lastly, the Great Sanhedrin, according to ancient custom, will be composed of seventy members, exclusive of the President. Two thirds, or thereabout, shall be Rabbis, and among them, in the first place, those who sit among you, and who have approved the answers. The other third shall be chosen, by this assembly itself, among its members, by ballot. The duties of the Great Sanhedrin shall be to convert into religious doctrines the answers already given by this assembly, and likewise those which may result from the continuation of your sittings.

For you will observe, Gentlemen, your mission is not yet fulfilled; it will last as long as that of the Great Sanhedrin, which will only ratify your answers and give them a greater weight. His Majesty is, besides, too well satisfied with your zeal and with the purity of your intentions, to dissolve this assembly before the accomplishment of the great work in which you were called to assist.

In the first instance it is fit that you should name by ballot a committee of nine members to prepare, with us, the ground-work of your future discussions and of the decisions of the Sanhedrin. You will observe that the Portuguese, German, and Italian Jews, are equally represented in this committee. We also invite you to acquaint the several synagogues of Europe of the meeting of the Great Sanhedrin, without delay, that they may send deputies able to give the government additional information, and worthy of communicating with you.

NOTES

1. This statement was read before the Assembly of Nobles.
2. The Great Sanhedrin in Palestine was the supreme religious and juridical body of Jewry during the Roman period, both before and after the destruction of the Temple, until the abolishment of the patriarchate by

Source: M. Diogène Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 242–47.

21. THE PAULUS-RIESSER DEBATE (1831)¹

HEINRICH PAULUS AND GABRIEL RIESSER

PROFESSOR HEINRICH PAULUS:² The main point is this.... As long as the Jews believe that their continued existence as Jews must be in accordance with the Rabbinic-Mosaic spirit [*Gesinnung*], no nation could grant them civil rights. Civil rights [are to be denied the Jews] because they apparently wish to remain a nation apart, for they conceive of their religious objectives in such a way that they perforce remain a nation apart from those nations which have provided them with shelter.... One cannot seek or obtain civil rights from any nation if one wishes to continue to belong to a different nation and believes one should persist in this adherence. Clearly, granting civil rights presupposes that [the recipient] belongs to the nation which grants these rights and not to any other nation. Jewry, however, dispersed over the entire earth, aspires to preserve through [endogenous] marriage customs and its many particularistic and exclusive laws its nationhood and apartness.

Therefore, it is only possible to grant the Jews (as one specific association in our society) no more than the status of "tolerated residents" [*Untertanenschutz*] or at best that of "protected residents" [*Schutzbürgerschaft*]. And notwithstanding their egregious religion, they should have no reason or desire to insist upon their own national identity. This renunciation must be emphatic and tangible. The Jews must demonstrate that they belong solely to the country of their residence and accept the national identity of that country. They must demonstrate that they no longer consider themselves as members of a necessarily separate, self-sufficient people of God.

Dr. GABRIEL RIESSER:³ To be sure, the Jews were once a nation. But they ceased to be one some two thousand years ago as have most other nations whose descendants constitute the states of present-day Europe. [When the Jews ceased to be a nation], they were dispersed throughout all the provinces of the Roman Empire and were subject to the same legal provisions that applied to other peoples subjugated by the Romans. After the Peregrine reforms⁴ they enjoyed equal rights as Roman citizens. Their creed was not an obstacle here. Although Roman law did preserve the purity of the Roman cult, it is known that the rule of conduct in and out of Rome allowed non-Romans the rights to preserve their own cult, and did not see this as a basis for the exclusion of non-Romans from civil rights.

The charge that our forefathers immigrated here centuries or millennia ago is as fiendish as it is absurd. We are not immigrants; we are native born. And, since that is the case, we have no claim to a home somewhere else. We are either German or we are homeless. Does someone seriously wish to use our original, foreign descent against us? Does someone wish that civil rights revert back to the barbarous principle of indigenous rights?...

Religion has its creed; the state its laws. The confession of a creed constitutes a religious affiliation; obedience to laws determines citizenship in a state. The confusion of these principles leads to misunderstanding, thoughtlessness and falsehood.... There is only one baptism that can initiate one into a nationality, and that is the baptism of blood in the community, and that is the baptism of blood in the community struggle for a fatherland and for freedom. "Your blood

was mixed with ours on the battlefield," this was that cry which put an end to the last feeble stirrings of intolerance and antipathy in France.⁵ The German Jews also have earned this valid claim to nationality. The Jews in Germany fulfill their military obligations in all instances. They did so even before the Wars of Liberation. They have fought both as conscripts and volunteers in proportionate numbers within the ranks of the German forces....

We, the Jews of Germany might indeed enjoy a degree of freedom. But we conceive of freedom differently. We struggle and strive with all of our might to obtain a higher freedom than that which we presently enjoy; we are committed to struggle and to strive [to obtain this freedom] until the very last breath of our lives—this is what we believe makes us worthy to be German and to be called German. The vigorous tones of the German language and the songs of German poets ignite and nurture the holy fire of freedom in the breast. The breath of freedom which waits over Germany awakens our dormant hopes for freedom, of which many happy prospects have already been fulfilled. We wish to belong to the German fatherland. We can, and should, and may be required by the German state [to do] all that it justly requires of its citizens. We will readily sacrifice everything in this state: not, however, belief and loyalty, truth and honor, for Germany's heroes and Germany's sages have not taught us that one becomes a German through such sacrifices.

NOTES

1. After the Congress of Vienna the Jewish question became a major issue in Germany. The debate between Professor Heinrich E. G. Paulus and the

young Jewish jurist Gabriel Riesser gave a particularly poignant focus to the issues of the debate. Riesser added a new twist to the debate when he published a pamphlet entitled "On the position of the adherents [*Bekehrer*] of the Mosaic faith in Germany" in 1831. Eschewing all apologies, and in the name of honor and justice alone, he demanded civil equality for Jews. Among the many responses evoked by his pamphlet was that of Professor Paulus, who issued a pamphlet of his own severely criticizing his younger colleague. Excerpts of his critique and of Riesser's reply are presented here.

2. Heinrich Paulus (1761–1851), professor of Oriental languages and theology at the University of Heidelberg.
3. Gabriel Riesser (1806–1863). After trying in vain to secure a university lectureship in jurisprudence and after being barred from practice as a notary in his native Hamburg because of his Judaism, Riesser devoted his life to the struggle for Jewish emancipation. He propagated his views in the journal *Der Jude. Periodische Blätter der Religion und Gewissensfreiheit*, which he founded in 1831 and published until 1833.
4. The reference is to the *Constitutio Antoniniana* of 212 C.E. This decree extended Roman citizenship to all free inhabitants of the empire, thus obliterating the distinction between Romans and provincials, between conquerors and conquered, between urban and rural dwellers, and between those who possessed Graeco-Roman culture and those who did not. Promulgated by Caracalla, emperor from 211 to 217 C.E., this legislation culminated a process initiated by Julius Caesar.
5. Even prior to their emancipation, the Jews of France—especially in Bordeaux and Paris—volunteered for the various militias formed during the revolution. This fact was raised and regarded favorably during the debates in the National Assembly concerning the eligibility of Jews for citizenship. See document 2 in this chapter.

Source: H. E. G. Paulus, *Die jüdische Nationalabsonderung nach Ursprung, Folgen und Besserungsmitteln, oder ueber Pflichten, Rechte und Verordnungen zur Verbesserung der jüdischen Schutzbürgerschaft in Deutschland* (Heidelberg, 1831), pp. 2–3; and Gabriel Riesser, "Verteidigung der bürgerlichen Churchstellung der Juden gegen die Einwurde des Herrn Dr. H. E. G. Paulus" (May 1831), in Gabriel Riesser, *Gesammelte Schriften*, published for Das Comité der Riesser-Stiftung, ed. Z. Isler (Leipzig, 1867), vol. 2, pp. 131, 133, 150, 152, 183ff. Trans. by M. Gelber and P. Mendes-Flohr.

priests—certainly the opposite of equality; that they had slavery—certainly the opposite of freedom; and that they indulged in polygamy—certainly the opposite of ideal family life. Only Teutonic-Christian life put an end to these abuses. It is true, Israel had an enlightened economic legislation, social forms of property ownership, the prohibition of usury, and the greatest charity toward the poor. But we have only to mention these things to realize the fearful chasm between the Old Testament and modern Jewry. It was German law alone that protected the concept of common property, the Christian church alone that decreed the prohibition of usury; it is precisely here that the faults and sins of modern Jewry are plainly revealed.

Even if we presume for once that this lofty mission really is Israel's permanent task, who, then, are those thinkers and poets, who, inspired by the divine spirit, preach, praise and honor the living God? Perhaps the editors of the *Tagblatt*? Or the scholars of the *Kiaddendatsch*? Where is the school of the prophets of the Holy Spirit which trains young men for their world mission? Where are the missionary posts? Where are the missionaries? Perhaps at the stock exchanges of Berlin, Vienna and Paris? Alas, the Jews should not be told such foolishness. For it is their ominous fate that, having failed Christ, they have lost their divine course, have abandoned their sublime mission. Confronted with the Lord's sharp-edged alternative—"Thou canst not serve both God and Mammon"—they now worship the idol of gold, having forsaken the path of God....

And in spite of this truth, in spite of their utter lack of religious creativeness, they stick to the delusion of being a religious power. The truth is that modern Jewry is most certainly a power against religion; a power which bitterly fights Christianity everywhere, uproots Christian faith as well as national feeling in the people, in their stead offering them nothing but the idolatrous admiration of Jewry such as it is, with no other content but its self-admiration....

The question is: What shall be done? We believe that Jews and Christians must try to establish a proper relationship with each other. There is no other way. Hatred of the Jews is already flaring up here and there, and this is repugnant to the Gospels. If modern Jewry continues to use the power of capital and the power of the press to bring misfortune to the nation, a final catastrophe is unavoidable. Israel must renounce its ambition to become the master

of Germany. It should renounce its arrogant claim that Judaism is the religion of the future, when it is so clearly that of the past. Let not foolish Christians continue to strengthen the self-conceit of this people, Jewish orthodoxy with its circumcision is decrepit, while reformed Judaism is not a Jewish religion at all. Once Israel has realized this, it will quietly forget its alleged mission and stop trying to rob of their Christianity people who offer it hospitality and civil rights. The Jewish press must become more tolerant—that is the first prerequisite for improving the situation. The social abuses which are caused by Jewry must be eradicated by wise legislation. It will not be easy to curb Jewish capital. Only thoroughgoing legislation can bring it about. The mortgage system in real estate should be abolished and property should be inalienable and unmortgageable; the credit system should be reorganized to protect the business man against the arbitrary power of big capital. There must be new stock and stock-exchange regulations; reintroduction of the denominational census so as to find out the disproportion between Jewish capital and Christian labor; limitation of appointments of Jewish judges in proportion to the size of the population; removal of Jewish teachers from our grammar schools, and in addition the strengthening of the Christian-Germanic spirit—are the means to put a stop to the encroachment of Jewry on Germanic life, this worst kind of usury.

Either we succeed in this and Germany will rise again, or the cancer from which we suffer will spread further. In that event our whole future is threatened and the German spirit will become Judaized. The German economy will become impoverished. Those are our slogans: A return to a Germanic rule in law and business, a return to the Christian faith. May every man do his duty, and God will help us.

NOTES

1. Adolf Stoecker (1835–1909), German antisemitic preacher and politician. Imperial court chaplain from 1874, Stoecker was a member of the Prussian diet from 1879 to 1898. In 1881 he was elected to the Reichstag where he served (except from 1893 to 1898) until 1900. In 1878 he founded the Christian Social Workers' Party, renamed the Christian Social Party in 1881. Through his party Stoecker created a tight-wing mass movement of discontented artisans and small shop owners who were later joined by members of the conservative

educated classes. He was a powerful demagogue who knew how to channel discontent into antisemitism. His inflammatory speeches paved the way for the rampant antisemitic movement in Berlin in the early 1880s, which spread to provincial cities and the countryside. The selection presented here is the text of a speech that

was delivered at a Christian Social Workers' Party rally of September 19, 1879.

2. *Bertiner Tagblatt* was a Jewish-owned Berlin daily that had a large proportion of Jews on its staff.

3. *Kiaddendatsch* was a weekly of political satire, founded in 1848.

22. A WORD ABOUT OUR JEWRY (1880)

HEINRICH VON TREITSCHKE¹

Among the symptoms of a great change in mood in the German nation, none appears so strange as the violent movement against the Jews. Until a few months ago, the notorious *reverse* "Hep-Hep call" was still dominant in Germany. About the national shortcomings of the Germans, the French and all other nations, everybody could freely say the worst things; but if somebody dared to speak in just and moderate terms about some undeniable weakness of the Jewish character, he was immediately branded as a barbarian and religious persecutor by nearly all of the newspapers. Today we have already come to the point where the majority of the Breslau voters—obviously not in wild excitement but with quiet deliberation—tempted not to elect a Jew to the diet under any circumstances. Antisemitic societies are formed, the "Jewish question" is discussed in noisy meetings, a flood of antisemitic pamphlets appears on the market. There is only too much of dirt and brutality in these doings, and it is impossible to suppress one's disgust when one notices that some of these incendiary pamphlets obviously come from Jewish pens. It is well known that since Pfefferkorn² and Eisenmenger³ there were always many former Jews among the most fanatical Jew-haters. But is there really nothing but

mob brutality and business envy at the bottom of this noisy activity? Are these outbreaks of a deep, long-suppressed anger really only a momentary outburst, as hollow and irrational as the Teutonic antisemitism of 1819? No, the instinct of the masses has in fact clearly recognized a great danger, a serious sore spot of the new German national life; the current expression "the German Jewish question" is more than an empty phrase....

What we have to demand from our Jewish fellow-citizens is simple: that they become Germans, regard themselves simply and justly as Germans, without prejudice to their faith and their old sacred past which all of us hold in reverence; for we do not want an era of German-Jewish mixed culture to follow after thousands of years of German civilization. It would be a sin to forget that a great number of Jews, baptized and unbaptized, Felix Mendelssohn,⁵ Veit,⁶ Rieseher⁷ and others, not to mention the ones now living, were Germans in the best sense of the word, men in whom we revere the noble and fine traits of the German spirit. At the same time it cannot be denied that there are numerous and powerful groups among our Jews who definitely do not have the good will to become simply Germans. It is painful enough to talk about

¹Heinrich von Treitschke, *A Word About Our Jewry*, ed. Ellis Rivkin and trans. Helen Lederer (Cincinnati: Hebrew Union College—Institute of Religion, n.d.), pp. 1–7. Reprinted by permission of Dr. Ellis Rivkin.

these things. Even conciliatory words are easily misunderstood here. I think, however, some of my Jewish friends will admit, with deep regret, that recently a dangerous spirit of arrogance has arisen in Jewish circles and that the influence of Jewry upon our national life, which in former times was often beneficial, has recently often been harmful. I refer the reader to *The History of the Jews* by Graetz.⁶ What a fanatical fury against the "arch enemy" Christianity, what deadly hatred of the purest and most powerful exponents of German character, from Luther to Goethe and Fichte! And what hollow, offensive self-glorification! Here it is proved with continuous satirical invective that the nation of Kant was really educated to humanity by the Jews only, that the language of Lessing and Goethe became sensitive to beauty, spirit and wit only through Boerne and Heine! Is there any English Jew who would dare to slander in such manner the land which guards and protects him? And this stubborn contempt for the German *goyim* is not at all the attitude of a single fanatic. There is no German city which does not count many honest, respectable Jewish firms among its merchants. But it cannot be denied that the Jews have contributed their part to the promoting of business with its dishonesty and bold cupidity, that they share heavily in the guilt for the contemptible materialism of our age which regards every kind of work only as business and threatens to suffocate the old simple pride and joy the German felt in his work. In many thousands of German villages we have the Jewish usurer. Among the leading names of art and science there are not many Jews. The greater is the number of Semitic hustlers among the third-rank talents. And how firmly this bunch of literateurs hangs together! How safely this insurance company for immortality works, based on the tested principle of mutuality, so that every Jewish poetaster receives his one-day fame, dealt out by the newspapers immediately and in cash, without delayed interest.

The greatest danger, however, is the unjust influence of the Jews in the press—a fateful consequence of our old narrow-minded laws which kept the Jews out of most learned professions. For ten years public opinion in many German cities was "made" mostly by Jewish pens. It was a misfortune for the Liberals, and one of the reasons of the decline of the party, that their papers gave too much scope to the Jews. The present weakness of the press is the necessary reaction against this unnatural state of things. The

little man is firmly convinced now that the Jews write everything in the newspapers and he will not believe anything they say any longer. Our newspapers owe much to the Jewish talent. The acuteness and nimble quickness of the Jewish mind found the arena of the press always a congenial field. But here, too, the effect was two-edged. Boerne was the first to introduce into our journalism the peculiar shameless way of talking about the fatherland [in an] off-hand [manner] and without any reverence, like an outsider as if mockery of Germany did not cut deeply into the heart of every individual German.⁷ To this was added that unfortunate busbody "me-too" attitude, which has to have a hand in everything and does not even refrain from passing judgment on the inner affairs of the Christian churches. What Jewish journalists write in mockery and satirical remarks against Christianity is down to right revolting, and such blasphemies are offered to our people as the newest acquisitions of "German Enlightenment! The moment emancipation was gained the Jews insisted boldly on their "certificate," demanded literal parity in everything, forgetful of the fact that we Germans are, after all, a Christian nation and the Jews are only a minority. It has happened that the removal of Christian pictures was demanded and even the celebration of the Sabbath in mixed schools.¹⁰

If we consider all this—and much more could be added—then the noisy agitation of the moment appears only as a brutal and spiteful but natural reaction of the Germanic national consciousness against an alien element which has usurped too much space in our life. It has at least the one involuntary merit of having liberated us from the ban of a tacit falsehood. It is already a gain that an evil which everybody sensed but which nobody wanted to touch is now discussed openly. Let us not deceive ourselves. The movement is deep and strong. A few jokes about the words of wisdom from the mouths of Christian Socialist soap-box orators will not be sufficient to suppress it. Even in the best educated circles, among men who would reject with horror any thought of Christian fanaticism or national arrogance, we hear today the cry, as from one mouth, "the Jews are our misfortune!"¹¹

There can be no talk among the intelligent of an abolition or even of a limitation of the Emancipation. That would be an open injustice, a betrayal of the fine traditions of our state, and would accentuate

rather than mitigate the national contrasts. What made the Jews of France and England harmless and often beneficent members of society was at the bottom nothing but the energy of the national pride and the firmly rooted national way of life of these two nations which look back on centuries of national culture. Ours is a young nation. Our country still lacks national style, instinctive pride, a firmly developed individuality; that is the reason why we were defenceless against alien manners for so long. But we are in the process of acquiring these qualities, and we can only wish that our Jews recognize in time the change which is now occurring in Germany as a necessary consequence of the foundation of the German state. In some places there are Jewish societies against injury which silently do much good. They are the work of intelligent Israelites who have recognized that their fellow-Jews must adjust to the customs and ideas of their Christian fellow-citizens. Much remains to be done in this direction. It is not possible to change the hard German heads into Jewish heads. The only way out therefore is for our Jewish fellow-citizens to make up their minds without reservation to be Germans, as many of them have done already long ago, to their advantage and ours. There will never be a complete solution. There has always been an abyss between Europeans and Semites, since the time when Tacitus complained about the *odium gentis humani*.¹² There will always be Jews who are nothing else but German-speaking orientals. There will also always be a specifically Jewish education, and, as a cosmopolitan power, it has a historical right to existence. But the contrast can be mitigated if the Jews, who talk so much about tolerance, become truly tolerant themselves and show some respect for the faith, the customs and the feelings of the German people which has long ago atoned for old injustice, and given them human and civil rights. The lack of such respect in many of our Jewish fellow-citizens in commerce and in literature is the basic reason for the passionate anger in our days. It is not a pleasant sight, this raging and quarrelling, this boiling up of unblinded ideas in our new Germany. But we cannot help our being the most passionate of all nations, although we called ourselves phlegmatics so often.

New ideas never broke through in our country other than under bad convulsions. May God grant that we shake out of the ferment and unrest of these exciting years with a stricter concept of the state and

its obligations and with a more vigorous national consciousness.

NOTES

1. Heinrich von Treitschke (1834–1896). In 1879 and 1880 this renowned German historian published a series of articles in the *Preussische Jahrbücher*—a prestigious academic journal that he edited. These articles, entitled "Ein Wort ueber unser Judenthum," justified the growing hostility toward the Jews in the wake of the unification of Germany. Treitschke held that the core of the problem was Jewry's contradictory desire to preserve its national identity while simultaneously claiming the right to participate fully in the national life of Germany. Accordingly, he urged the Jews to rid themselves of their frivolous arrogance and to pursue a genuine and rapid assimilation into German culture and society. His articles on the Jewish question generated considerable controversy, particularly in educated circles.
2. "He! He! He!" A derogatory rallying cry against the Jews common in Germany. It is also the name given to a series of anti-Jewish riots that broke out in August 1819 in Germany and spread to Denmark. See introduction to chapter 5, note 11, and document 3, note 6.
3. Johannes Pfefferkorn (1469–c.1521), German-Jewish convert to Christianity and writer of anti-Jewish tracts. His knowledge of Jewish sources was minimal, and, as a result of a virulent controversy with the humanist scholar Johannes Reuchlin, his name became proverbial for unprincipled denigrators of their own origin and ancestral faith.
4. Johann Andreas Eisenmenger (1654–1704), a German Christian Hebraist who assiduously studied Jewish sources for more than ten years before completing his work denouncing the Jewish religion. Entitled *Entdecktes Judenthum* [Judaism Unmasked], this book, which purports to prove Judaism's intrinsic misanthropy, had a formative influence on modern antisemitic polemics.
5. Jakob Ludwig Felix Mendelssohn-Bartholdy (1809–1847), German composer and grandson of Moses Mendelssohn. Of Jewish birth, Felix was baptized and raised as a Protestant. He showed musical talent at an early age and became a brilliant pianist and an acclaimed composer.
6. Moritz Veit (1808–1864), member of a wealthy Jewish banking family in Berlin. He was a prominent publisher, politician and leader of the Berlin Jewish Community.
7. Gabriel Riesser (1806–1863), German-Jewish political figure and an indefatigable champion of Jewish civil equality. See chapter 3, document 21.

1. A PEOPLE THAT DWELLS APART (1892)

HAROLD FREDERIC¹

Once you cross the Russian frontier, you can tell the Jews at railway stations or on the street almost as easily as in America you can distinguish the Negroes. This is more a matter of dress—of hair and beard and cap and caftan—than of physiognomy. But even more still is it a matter of demeanour. They seem never for an instant to lose the consciousness that they are a race apart. It is in their walk, in their sidelong glance, in the carriage of their sloping shoulders, in the curious gesture with the upturned palm. [Tsar] Nicholas [the First]... solidified [the Jews] into a dense, hardbaked and end-lessly resistant mass.

Source: Harold Frederic, *The New Exodus: Israel in Russia* (London, 1892), pp. 79–80.

2. STATUTES CONCERNING THE ORGANIZATION OF JEWS (DECEMBER 9, 1804)¹

ALEXANDER I

NOTE

1. Harold Frederic (1856–1898), London-based correspondent of the *New York Times*. Frederic traveled in Russia in the 1880s on an assignment. A book on the plight of the Jews under the tsars, *The New Exodus*, from which this excerpt is taken, emerged from that journey. The title we have given to this selection refers to Num. 23:9: "There is a people that dwells apart. Not reckoned among the nations."

I. EDUCATION AND LANGUAGE

Numerous complaints have been submitted to us regarding the abuse and exploitation of native farmers and laborers in those provinces in which the Jews are permitted to reside... The following regulations are in accord both with our concern with the true happiness of the Jews and with the needs of the principal inhabitants of those provinces...

1. Jewish children may study in all the public schools, secondary schools and universities in Russia on equal terms with other children.
2. Jewish pupils will neither be required to renounce their religion nor will they be compelled to study subjects which are contrary to their religion...

6. If the Jews refuse, despite all these encouragements, to send their children to public schools, special schools must be built at their expense. For this purpose a special tax will be levied. The study of either Polish, Russian or German must be included in the curriculum....

8. All the Jews residing in the Russian Empire, although free to use their native language in all their religious and domestic affairs, are obliged, as of January 1807, to use the Russian, Polish or German language in all public documents, contracts, and bills of sale. Otherwise these documents will not be registered....

In accordance with these regulations, Jews who are elected as members of the municipal councils in the former Polish province, shall, for the sake of order and uniformity, dress in the Russian or Polish fashion; whereas Jews elected to the municipal councils in those Russian provinces in which they are permitted to reside permanently, shall dress in the German fashion. As of the year 1808, a Jew who cannot read and write either Russian, German or Polish, may not be elected to the municipal councils....

10. As of the year 1812, a person who is not literate in one of the previously mentioned languages, may not be appointed to a communal position or to the rabbinate.

II. THE STATUS, OCCUPATIONS AND RIGHTS OF THE JEWS

11. All the Jews are divided into four classes: (a) farmers, (b) manufacturers and craftsmen, (c) merchants and (d) city dwellers....

13. Jews who are farmers, as well as those who are manufacturers, craftsmen, merchants and city dwellers, are allowed to purchase and own property in the unpopulated areas of the provinces of Lithuania, Belorussia (White Russia), Little Russia, Kiev, Minsk, Volhynia, Podolia, Astrakhan, Caucasus, Kletsk, Khotin, Krasnodar and Tataria. They may sell the land, lease it, bequeath it or bestow it as a gift....

18. No Jew will be compelled to engage in agriculture in the aforementioned provinces, but those who do, shall be exempt from payment of taxes for a period of ten years. This exemption, however, does not extend to debts related to the purchase of land. They will receive loans which will be repayable after a few years, on terms under which similar loans are given to settlers from abroad....

20. Jews are permitted to establish factories of all kinds, in those provinces in which they are permitted to settle, with the same freedom and on the same basis as that granted to all subjects of Russia....

23. In the aforementioned provinces, Jewish craftsmen may engage in any craft not prohibited by law. Managers of workshops, or organizations of craftsmen may not interfere in their rights. They [i.e., Jews] are permitted to register as members of a craftsmen's association if it is not in conflict with local regulations....

29. When all the Jews shall evince diligence and industry in agriculture, commerce and manufacturing, the government will take steps to equalize their taxes to those of other Russian citizens.

III. THE DUTIES OF THE JEWS NOT BELONGING TO THE AFOREMENTIONED CLASSES

30. If he is not registered in one of these classes, a Jew will not be tolerated anywhere in Russia. Jews who will not present a written document in standard legal form, certifying their membership in a class will be regarded as vagrants and will be treated according to the full severity of the law....

34. As of January 1, 1807, in Astrakhan, the Caucasus, Little Russia and New Russia, and the other provinces mentioned, no Jew is permitted to hold rented property in any village or settlement. They may not own taverns, pubs or inns, either in their own name or in that of a representative....

IV. THE LEGAL STATUS OF JEWS

44.... No persons may coerce [the Jews] or disturb them in matters of their religious practice, and in civilian life generally, either in word or in deed. Their complaints, whatever they may be, will be heard before the courts and will be satisfied according to the strict letter of the law as it applies to all the citizens of Russia....

NOTE

1. From the sixteenth century on, the tsars sought to expel and bar the Jews from Russia. As a result of the various partitions of Poland, by which Russia inherited a Jewish population of some nine hundred thousand, this policy was no longer realistic. The tsars felt that their new subjects presented a grave problem that required a radical solution. Catherine II, who ascended

Source: P. Levanda, *Polnyi khronologicheskii sbornik zakonov i polozhenii kazanskoi shkol'itsy evreev* [Complete chronological collection of laws and ordinances relating to Jews] (St. Petersburg, 1874), pp. 53–59, trans. R. Weiss.

the throne in 1762, was the first to tackle the "Jewish Problem." In 1772 the tsarina enacted legislation that limited the exercise of the rights granted the Jews under Polish rule to the areas in which they lived prior to the partitions; Polish Gentiles were specifically permitted, by the same legislation, to exercise their former rights throughout the Russian Empire. A decree of 1791 barred the Jews from specific areas in the empire. Thus the Pale of Jewish Settlement began to take shape. Alexander I, who reigned from 1801 to 1825, resolved to find a "humane" solution to the Jewish problem. In 1802 he ordered the creation of a Committee for

the Amelioration of the Jews, to consider all aspects of the problem. In their deliberations the committee assumed that the Jews were a parasitic element and that the non-Jewish population, especially the peasants of the territories that formerly belonged to Poland, had to be protected from the allegedly rapacious Jews. The committee's proposals—a mixture of restrictions and "liberal" inducements to Jewish self-improvement—were accepted by the tsar and embodied in the legislation presented here, enacted on December 9, 1804. It was the first comprehensive Russian legislation dealing with the Jewish problem.

3. STATUTES REGARDING THE MILITARY SERVICE OF JEWS (AUGUST 26, 1827)¹

NICHOLAS I

I. GENERAL RULES APPLYING TO THE JEWISH PEOPLE

1. Upon being called to military service, Jews shall fulfill their obligation in a manner identical to that of other citizens who are members of that class which is required to serve in the armed forces....

II. MANNER OF FULFILLING MILITARY DRAFT OBLIGATIONS

6. If, at the time of the call to service, it is generally permitted to substitute a sum of money for a recruit, this privilege shall be extended to Jews under the following conditions: (a) The Jewish community owes no back taxes to the government; (b) The community is not in debt to other communities or individuals....

the Amelioration of the Jews, to consider all aspects of the problem. In their deliberations the committee assumed that the Jews were a parasitic element and that the non-Jewish population, especially the peasants of the territories that formerly belonged to Poland, had to be protected from the allegedly rapacious Jews. The committee's proposals—a mixture of restrictions and "liberal" inducements to Jewish self-improvement—were accepted by the tsar and embodied in the legislation presented here, enacted on December 9, 1804. It was the first comprehensive Russian legislation dealing with the Jewish problem.

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62. Jewish youths who are enrolled in general schools for a minimum of three years and who perform adequately and those apprenticed to Gentile artisans are exempt from military service for the duration of their studies....

64. Jews who have settled and who work upon land designated for agricultural purposes are exempt....

X. THE ASSIGNMENT OF JEWS TO VARIOUS BRANCHES OF THE MILITARY

74. Jewish minors—those under 18—shall be sent to preparatory institutions for military training [i.e., cantonist units].

75. Jews from the age of eighteen and upwards shall be assigned to active military duty according to their physical condition, as ordered by the military command.

XI. JEWS EVADING THE DRAFT

87. Whoever discloses the names of those who hide a Jew escaping the draft, shall receive a reward in the sum of one hundred rubles from the treasury....

90. For the purpose of release from military service, only time spent in active duty after the age of fifteen shall be taken into account.

91. Jews in active military duty are permitted to observe their religious customs during their spare time. This is in accordance with the law of the land concerning accepted religions. Commanding officers

shall protect the Jews from disturbances or abuses which may be caused by their religious affiliation.

NOTE

1. The reign of Tsar Nicholas I (1825–1855) is a dark chapter in the history of Russian Jewry. The legislation excerpted here is indicative of his policy for solving the Jewish problem through coerced assimilation or Russification. In addition to a general conscription of Jewish adult males, who served for a period of twenty-five years, the legislation decreed the recruitment of Jewish boys from the ages of twelve to eighteen as cantonists (the Russian term for *juvenile conscripts*). The cantonists underwent a tough regimen of military drill and Russian education; at the age of eighteen they were drafted to the regular army where they served the full twenty-five-year term. The objective of this system was to alienate the Jewish youth from their families and religion; they were forbidden to practice Judaism or speak their native Yiddish and were obliged to attend classes in Christian dogma and ritual. The government imposed on the Jewish communal leaders the task of supplying a quota of cantonists. To meet this quota the leaders—often rabbis—were obliged to dispatch *khapers* (Yiddish for "kidnappers") to seize Jewish children, often as young as eight, from their parents. Needless to say, this institution weakened the moral authority of the traditional leadership—precisely what the government desired. Before the law was rescinded in 1859, it is estimated that between forty and fifty thousand Jewish minors were conscripted into cantonist units.

Source: P. Levanda, *Polnyy khronologicheskii sbornik zakonov i polozhenii kazatskikhskia enrev* [Complete chronological collection of laws and ordinances relating to Jews] (St. Petersburg, 1874), pp. 193–200, trans. R. Weiss.

4. DELINEATION OF THE PALE OF SETTLEMENT
(APRIL 1835)¹

NICHOLAS I

3. A permanent residence is permitted to the Jews: (a) in the provinces: Grodno, Vilna, Volhynia, Podolia, Minsk, Ekaterinoslav. (b) in the districts: Bessarabia, Bialystok.

4. In addition to the provinces and districts listed in the preceding section, a permanent residence is permitted to the Jews, with the following restrictions: (a) in Kiev province, with the exception of the provincial capital, Kiev; (b) in Kherson province, with the exception of the city of Nikolaev; (c) in Taurida province, with the exception of the city of Sebastopol; (d) in the Mogilev and Vitebsk provinces, except in the villages; (e) in Chernigov and Poltava provinces, but not within the government and Cossack villages, where the expulsion of the Jews has already been completed; (f) in Courland province, permanent residence is permitted only to those Jews who have been registered until the present date with their families in census lists. Entry for the purpose of settlement is forbidden to the Jews from other provinces; (g) in Lithuania province, in the city of Riga and the suburb Shlok, with the same restrictions as those applying in Courland province....

11. Jews who have gone abroad without a legal exit-permit are deprived of Russian citizenship and not permitted to return to Russia.

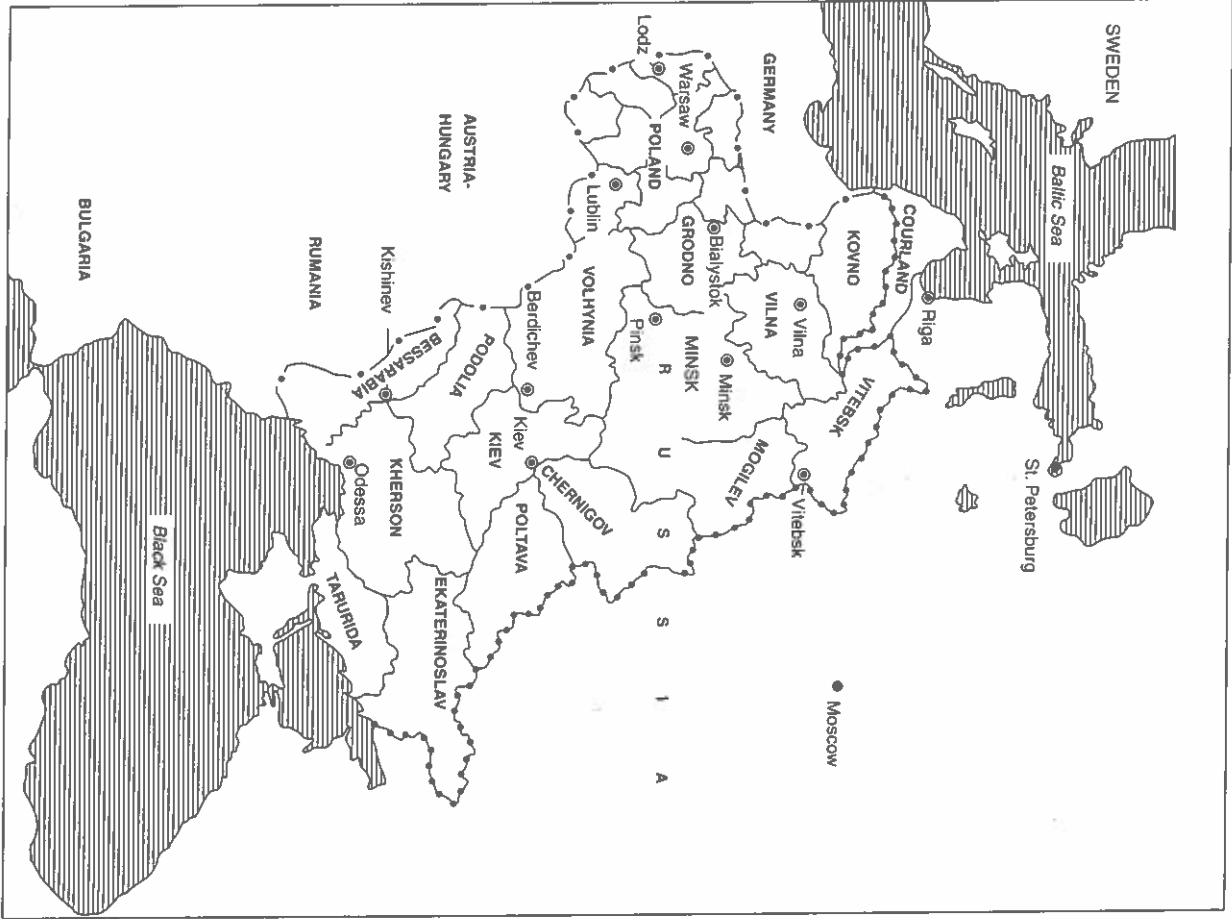
12. Within the general area of settlement and in every place where the Jews are permitted permanent residence, they are allowed not only to move

from place to place and to settle in accordance with the general regulations, but also to acquire real estate of all kinds with the exception of inhabited estates, the ownership of which is strictly forbidden to Jews....

23. Every Jew must be registered according to the law in one of the legal estates of the realm. Any Jew not complying with this regulation will be treated as a vagrant.

NOTE

1. This legislation clearly defined the boundaries of the Pale of Settlement, which included fifteen provinces in Western Russia and ten provinces of the former Kingdom of Poland that were incorporated into the Russian Empire in 1815. The Pale included regions beyond those of Poland only where the Jews could serve as a colonizing element. From time to time its boundaries were modified, but on the average the area of the Pale covered one million square kilometers (386,100 square miles), extending from the Baltic Sea to the Black Sea. By 1897, according to an official census, 4,899,300 Jews lived there, forming 11.6 percent of the general population of the area; 82 percent of the Jews lived in towns and villages. They formed 36.9 percent of the urban population. After the February Revolution (1917), the provisional government abolished the Pale of Settlement.



-----Pale of Settlement. Though there were minor boundary adjustments continually throughout the nineteenth century, this map shows the general area of the Pale.

.....International boundary between the Russian Empire and Germany, Austria-Hungary, and Rumania.

Source: P. Levanda, *Polnyi khronologicheskii sbornik zakonov i polozhenii, kasaiushchikhsia evreev* [Complete chronological collection of laws and ordinances relating to Jews] (St. Petersburg, 1874), pp. 360–63, trans. L. Sachs.

me, elatedly, excitedly, that his father had permitted him and his elder brother to go to Lubavich in the company of their rabbi.

What happened there I do not know, for my husband never spoke of this tragic experience. All I know was that this young man, hopeful and inspired, made a pilgrimage to the rabbi, hoping that he would unveil the great mystery, but returned sobered. He continued his religious observances and studied with the rabbi, but the magic and ecstasy had gone. Thereafter, little by little, he began to neglect his religious observances. Then he decided to cut his beard. We had our first quarrel. I begged him not to yield to vanity and let his beard grow. He would not hear of it. He reminded me that he was the man of the house and demanded my obedience and submission.

Four years later we left Konotop and the patriarchal way of life we had led. My husband had obtained the liquor concession in Lubny, where we were to start our own independent life. Now, without having to worry about his parents, my husband organized his life as he desired. Daily prayers, in prayer shawl and phylacteries, ceased, though he continued to study Talmud. He used to discuss it at length with the town rabbi, who was our frequent guest, but his interest was just scholarly....

My wise mother once said: "Two things I know for certain. I and my generation will surely live and die as Jews. Our grandchildren will surely live and die not as Jews. But what our children will be I cannot foresee." The first two parts of this prophecy came true. The third is now coming true, for our generation is some kind of hybrid. Other peoples and other nations have drawn from modern, alien currents and ideas only what is congenial to their own character and thus have preserved their own individuality and uniqueness. But the course that befell the Jews was that they could not acquire the new, the alien, without renouncing the old and repudiating their unique individuality, and their most precious possessions. How chaotically these modern ideas whirled through minds of young Russian Jews! Traditional family ideas disappeared, but new ones did not arise in their stead. These young Jewish men had no sense of moderation nor did they want it. In this transitional period, the woman, the mother, was cruelly brushed aside, for clinging to tradition, she wanted to impart to her children the ethics of Judaism, the tradition of its faith, the sanctity of the Sabbath and the Holy Days, Hebrew, Bible study. She wanted to transmit

this great treasure along with the enlightenment, with the new current of West European culture. But the husbands had the same answer to all pleas: "The children need no religion." In their inexperience, they wanted to take the dangerous leap from the lowest level of education to the highest, without any intermediate step. They demanded not only assent from their wives, but also submission. They preached freedom, equality, fraternity in public, but at home they were despots....

In our family, the struggle to keep the Jewish tradition went on in much the same way as in many other families. First my husband requested, and then demanded, that his wishes be fulfilled. It was not enough for him to have complete freedom over all matters outside our home: I had to "reform" myself and my home. It began with small things, intimate things, dear to me.

As soon as we settled [later] in St. Petersburg I had to discard the *peruke* [wig] which pious Jewish women wore. It was here in Petersburg, after a violent struggle, that I ceased to keep a kosher kitchen. Little by little I had to drive each cherished custom from our home. "Drive" is not the right word, for I accompanied each to the door with tears and sobs. I loved my husband intensely and as faithfully as in the first days of our marriage, yet I could not submit without resistance. I wanted to preserve this cherished tradition for myself and my children, and I fought a battle of life and death.

In Petersburg, a thousand different experiences always seemed to converge on the one problem of Judaism. What a time of heartbreak when my son attended the *gymnasium*! Simon was a fourth-year student. The students were taken to the chapel for religious services. All but Simon kneeled before the icons. When the teacher ordered him to kneel, he refused. "I am a Jew. My religion forbids me to kneel to an image." After the service, the enraged teacher told Simon he was expelled. I went to the school superintendent, imploring and weeping. I wanted to tell him my son had not willfully been disobedient; he wanted only to remain loyal to his own upbringing and religion. I could not speak; my throat was tight and the tears flowed. I foresaw that my son's whole life would be destroyed. The school superintendent reflected the boy was dismissed from this gymnasium, but he would arrange to have Simon admitted to another I was relieved and also proud. Simon was the flesh of my flesh. But ought I to expect that my children

growing up under alien influences, would follow the ways of their mother? They understood, in their way, what was happening and often took their father's side. I felt alone and abandoned by my husband and society. I submitted. But no one suspected the tragedy I experienced that day. Only a few yellowed pages to which thirty-eight years ago in an hour of despair I entitled my unhappiness are the silent witness of my suffering. These words, which I first wrote, April 15, 1871, I have set down again for they seem to express the woe and despair which so many wives and mothers suffered in that transitional era in Jewish life.

NOTE

1. Born into a pious and wealthy Russian Jewish family, Pauline Epstein Wengeroff (1833–1916) witnessed with consternation the transformation of traditional

Jewish life under the impact of secular modernity. In her memoirs, which appeared when she was in her seventies, she gives eloquent expression to what she regards as the tragic disintegration of Jewish tradition and familial bonds; indeed, the tragedy is exemplified by the conversion of several of her own children to Christianity. Significantly, she wrote her memoirs not in Yiddish or Russian, but in German, the language of the European cultural elite. For a translation of her memoirs, see P. Wengeroff, *Remembrings of the World of a Russian-Jewish Woman in the Nineteenth Century*, trans. from the German by Henry Winkart, ed. with an afterword by Bernard D. Cooperman (Potomac: University Press of Maryland, 2000). Also see Shulamit Magnus, "Pauline Wengeroff and the Voice of Jewish Modernity," in *Gender and Judaism: The Transformation of Jewish Tradition*, ed. T. M. Rudarsky (New York: New York University Press, 1995), pp. 181–90.

23. THE JEWISH QUESTION IN EASTERN EUROPE (1877)

AARON LIEBERMANN¹

In all countries about to acknowledge the dignity of every child of man, the question of Jewish civil rights has, in the context of normal social life, become increasingly important. As of now, however, this question is still out of place in the countries of the East where it has not yet occurred to anyone to consider someone not of his tribe or allegiance as human. [This question has not yet occurred to the] barbaric peoples nor to their yet more barbaric rulers. In America and Western Europe, on the other hand, the question has already been forgotten, for there the concept "man" has dispelled the concepts of nation and faith—at least among the enlightened. Only in

those countries bordering the East and the West—the settlements of the Slavic tribes—will some still parcely over the Jewish question without resolving the "unsolvable riddle...."

[In Eastern Europe] the Jews and their supporters have been compelled to fight for their lives in a defensive war against enemies waging a war of offense, and their stratagems greatly vary depending on the features of the battlefield. In Rumania the Jews seek refuge from persecution and oppression in the protection of the powerful kings. And sometimes they gain satisfaction by hurting insult and abuse back at those who vilify them. It is understandable

¹Quoted: Aaron Liebermann, "She'etel hayehudim," *Haemer* [Summer 1877], pp. 1–5, trans. A. Schwartz.

that they then completely overstep bounds, and seizing upon the doings of their opponents heap scorn and contempt on the entire Rumanian people. For the misdeeds of some, they defame an entire nation with curses of the marketplace. . . . These strategists may help, but woe to the member of the household who seeks the protection of strangers to defend him from the blows of his father or brother! On most occasions they will manage to break all his bones before his protectors rush to his aid. In the land of Galicia, the Jews are strong enough to defend themselves without outside help. Those Jews with side-locks as twisted and as long as our exile, who wear cloth pants, stockings, and all the other old Polish garb—now called “Jewish clothing”—those men are politicians and diplomats! Positioned between the Germans and the Poles, they always lean toward the faction whose way seems right to their sight. There, in Galicia, the Jews truly stand on one footing with the other national tribes as far as politics are concerned, and in a time of need they will come here to Vienna with their shoes and stockings, their sidecuts and *ziyptse*² to stand before the Kaiser. The Jews of Russia are not like that. Only rarely may their voices be heard speaking of their enemies in the Russian journals. It is not a voice of jubilation but—whoever hears may laugh—a voice of supplication spoken halfheartedly, gravely and in a spirit of utter defeat. We know that our brethren in Russia apologize that they have not been permitted to respond to their enemies as they would like, and we can believe them. . . . But in fact it is all the same to us if they respond in a tone of jubilation, like the Jews of Rumania, or in a tone of entreaty as they now do. For as we have said from the outset, this is a war of might and guile, lie and deceit—and it is indeed a war! At one end are those who will bring all Jews to trial for every offense committed by individual Jews. The Jews, for their part, will make every effort to drag out their rights and show them off in the bright light of day declaring: Here is the Jewish people! Both will place

individuals in the stead of the collective as a whole. However much the Jew-haters increase their search among us for evil doings, the Jews will strive wherever they can to conceal the blemishes of their brothers from the “desecration of God’s name,” or they will produce their righteous brothers as having been malignanted as sinners. This will sometimes be successful, but most of the time it will fail. For how is it possible to show that all of Israel is a righteous nation or that in all of Jacob’s flock there is not even one leprous lamb?

This war over the Jewish question could continue forever, for while both sides are correct concerning details, they have both relied in their arguments on sophistry; both have emphasized *quid pro quo* and both have missed the larger truth. How will it come to an end? When will the fate of the Jews and of the Slavs be joined together in peace? When will each side acknowledge the other’s humanity and join hands for the ascent to human perfection? . . .

NOTES

1. Aaron Liebermann (1845–1880), pioneer of Jewish socialism and Hebrew writer. In 1875 he fled his native Russia in order to avoid arrest for his socialist activities. In London he began to develop a program for a revolutionary socialist organization among the Jews of Russia. He was inspired by the *Narodnik* principle of “going to the masses,” which he interpreted as going to the Jewish masses. In 1877 he settled in Vienna and began to publish *Haemet* [The Truth]—the first Hebrew socialist periodical. Only three issues of the periodical appeared, its quick demise was caused by financial difficulties and the need to smuggle the periodical into Russia. Liebermann wrote most of the articles, and in them he criticized organized Jewish life, the exploitation of the poor by the rich Jews, and the unthoughtful hostility of Jewish socialists to Jewish tradition. This selection is taken from the inaugural article of *Haemet*. It describes the plight of various East European Jewish communities.
2. A black overcoat, similar to a caftan.

24. THE PLIGHT OF THE JEWS OF RUMANIA (1878)

CONGRESS OF BERLIN¹

XLIV. In Rumania the difference of religious creeds and confessions shall not be alleged against any persons as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions and honors or the exercise of various professions and industries in any locality whatsoever. The freedom and outward exercise of all forms of worship are assured to all persons belonging to Rumania, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communities or to their relations with their spiritual chiefs. The subjects and citizens of all the Powers, traders and others, shall be treated in Rumania without distinction of creed on a footing of perfect equality.

NOTE

1. At the conclusion of the Russo-Turkish War in 1877, the great European powers gathered in Berlin to discuss the problems of the Balkans and the Near East arising from the war. Held between June 13 and July 13, 1878, the Congress of Berlin was attended by representatives of Austria-Hungary, France, Great Britain, Italy, Russia, and Turkey; limited representation was granted the Balkan states themselves: Greece, Montenegro, Rumania, and Serbia. Various Jewish bodies successfully sought to have the position of the Jews in the Balkan states placed on the agenda. To coordinate their efforts, the Jews established a special council consisting of the representatives of the Committee for Jewish Affairs in Berlin, the Alliance Israélite Universelle in Paris, the delegation of Rumanian Jews, and members of the Alliance in Berlin. The committee drew up a memorandum, which was submitted to the Congress, with a second one submitted to the head of the German delegation, Prince Otto von Bismarck. The memoranda described in detail the

sorry condition of the Jews in the Balkan countries and called for an international guarantee that members of all creeds and nations in these countries would henceforth enjoy equal civil rights. Individual members of the council, which included some of the leading Jewish figures of the day, were charged with making direct appeals to the delegations of their respective countries. Their coordinated efforts mark an important milestone in the development of a modern Jewish consciousness grounded in a sense of shared social and even political responsibility for one’s fellow Jews regardless of country of residence.

In the deliberations of the Congress, the Jewish question first came up for discussion on June 24, 1878, in connection with the peace treaty to be signed with Bulgaria. The proposal was passed recognizing the independence of Bulgaria, conditioned on its granting equal rights to all its subjects. A similar clause was subsequently introduced into the peace treaty with Serbia. The Russian representative sought to frustrate these efforts by arguing that the Jews of the Balkans and of Russia were different from the Jews of Berlin, London, Paris, and Vienna. Emboldened by the Russian position, the delegate of Rumania, which had the largest Jewish population—about 130,000 at the time—of the Balkan states put up stiff opposition to efforts to “interfere in its internal affairs.” But the great powers had the final say in Rumania, which was still awaiting international recognition of its independence, and passed a special resolution, introduced into paragraph 44 of the peace treaty with Rumania, stipulating that equal rights were to be granted to all its inhabitants. This paragraph, which was also introduced verbatim into the treaties with Greece, Montenegro, and Turkey, is given here.

Each of the Balkan states complied fully and granted equal rights to all regardless of religion and nationality. Only Rumania balked and refused to meet its obligations under paragraph 44. Indeed, the

¹Thomas Erskine Holland, ed., *The European Congress in the Eastern Question: A Collection of Treaties and Other Public Acts* (Oxford: Clarendon Press, 1885), p. 301.

year following the treaty it defiantly modified the article of its constitution concerning naturalization to specify that "strangers" could obtain citizenship only on an individual basis; since Jews were legally regarded as "strangers," they were effectively denied Rumanian citizenship. Over the next 38 years, only

2,000 Jews were to be naturalized in Rumania. For a while the great powers withheld recognition of Rumanian independence. In time, however, economic considerations prevailed, and recognition was accorded the country despite its flagrant disregard of the Treaty of Berlin.

25. AWAITING A POGROM IN VILNA (1882)¹

We expected a pogrom during the Christmas holidays, and the city was in a state of siege. Before the holidays we went to the governor and asked for protection. The Cossacks were called and the stores closed for three days. And now, although the holidays have passed quietly (i.e., there were no riots), our fears have not been allayed and we expect a pogrom at any minute. In brief, we see no end to our anxiety. For ahead of us are the civil New Year, the "Week of Butter," the Holiday of Baptism and Easter. How many threats and curses we heard before the holidays! If someone gets into an argument with a Christian the latter immediately says, "Just wait, soon we'll settle all the scores," or something similar or even worse. What kind of life is this? If I had the courage I would kill all those close to me and then myself, and the farce would be over. If I do not, some drunken ruffraff will come along, ravish my wife and daughter and throw my infant Sonia from the third-floor window. Would it not be better for me to kill everyone? What a miserable creature is the Jew? Even when the advantage is clear to him he cannot summon the courage to do a good thing. Death awaits us in any case, so why should we wait?

NOTE

1. *Pogrom* is a Russian word for a violent riot, accompanied by pillage and murder, perpetrated by one

group against another. Throughout Russian history pogroms occurred between various communities in the multinational empire. In the international lexicon *pogrom* is now a technical term designating the type of attack carried out by the non-Jewish population of Russia—and Eastern Europe in general—against the Jews between 1881 and 1921. Rarely did the police or the army intervene; indeed, they often lent their support to the rioters. The pogroms occurred during periods of severe political crisis and Christian holidays. Three major waves of pogroms took place in Russia in 1881–1884, 1903–1906 and 1917–1921. The first began in the period of political unrest and confusion that followed the assassination of Tsar Alexander II in March 1881. Starting at the end of April in a Ukrainian town, pogroms spread quickly throughout the region and then erupted in Warsaw, Belorussia and Lithuania. The pogroms of the 1880s had a profound influence on the history of Russian Jewry. The radicalization of Jewish youth, the development of the nationalist and Zionist movement in Russia and the mass emigration of Russian Jewry were all to a great extent prompted by the pogroms. This selection is from a letter to the editor of a Russian-language Jewish periodical published in St. Petersburg. The periodical served as the organ of the Russian Jewish intelligentsia, which maintained both a commitment to Judaism and a confidence in the ultimate triumph of liberalism in Russia.

26. THE MASSACRE OF JEWS AT KISHINEV (JUNE 1, 1903)¹

N. TCHAYKOVSKY

Shortly before Easter, when the Bishop of the Greek Church in the Kishinev province was asked to contradict the absurd rumor that the Jews murdered a young man for their ritual [at Passover],... this high priest publicly stated that he himself believed the story of Jews using Christian blood for ritualistic purposes.

The semi-official paper... openly preached the extermination of Jews for months.... All applications for permission to publish a more impartial paper having been repeatedly refused....

And still, when the actual massacres began, the Governor—it is said now—failed for two days to obtain orders from the Ministry and the Tsar at St. Petersburg to use military force against the house-breakers and murderers. Moreover, he refused in the course of those two days any communication with the suffering Jewish population, never left his private quarters, closed all the telephones in the town to the public, and prohibited [the sending of] any private telegrams from Kishinev to St. Petersburg.

The police of the town not only refused to render any efficient protection and assistance to the... attacked and murdered Jewish population, but deliberately prevented by force any assistance being rendered to them by those private persons who were willing to do so. The police actually pointed out Jewish houses to the rioters. Whenever Jews themselves attempted to gather to show armed resistance, the police and military instantly attacked, disarmed, and dispersed them.

The results of this terrible circumstance are awful: 118 Jews, men, women and children, have already

been buried; over 200 cases of serious injuries are still in the hospitals; and over 1000 cases of lighter injuries [have been] attended [to] in infirmaries; 800 Jewish houses destroyed and demolished; 600 shops and stores broken into and looted; over 4,000 Jewish families have been rendered homeless and destitute....

It has been learned that there were about 12,000 troops in Kishinev at the time, against 200 to 300 active rioters and housebreakers. And as soon as the Government chose to proclaim martial law, after two days of delay, all disorders instantly stopped....

NOTE

1. Kishinev, today the capital of the independent republic of Moldova, was formerly the capital of Bessarabia. At the beginning of the century some fifty thousand Jews lived there, constituting 46 percent of the population. The pogrom, described in this document, took place during Easter on April 6 and 7, 1903. Agents of the Ministry of the Interior and high officials of the Bessarabian administration were apparently involved in the preparation of the pogrom. The pogrom was preceded by a venomous anti-Jewish campaign led by an editor of a local newspaper, who incited the population through a constant barrage of hateful articles. The immediate cause of the pogrom was the death of a Christian child whom the Jews were accused of killing for the use of his blood in their religious rites. (See chapter 6, document 30.) The pogrom caused a public outcry throughout the world and led to establishment of Jewish self-defense units.

Source: [Unsigned letter to the editor from a Jew in Vilna], *Nedel'naya kronika roshnada*, no. 1 (February 1882), trans. L. Sachs.

Author: N. Tchaykovsky, "The Massacre of Jews at Kishinev," *Free Russia: Organ of the Friends of Russian Freedom* 14, no. 6 (June 1, 1903), pp. 62–63. Orthography has been changed to conform with current usage.

1. MANIFESTO (1882)

THE BILU¹

To Our Brethren and Sisters in the Exile, Peace be with You!
"If I help not myself, who will help me?" (Hillel).²

Nearly two thousand years have elapsed since, in an evil hour, after an heroic struggle, the glory of our Temple vanished in fire and our Kings and chieftains changed their crowns and diadems for the chains of exile. We lost our country, where dwelt our beloved sires. Into the Exile we took with us, of all our glories only a spark of the fire, by which our Temple, the abode of our Great One, was engirdled, and this little spark kept us alive while the towers of our enemies crumbled to dust, and this spark leapt into celestial flame and shed light upon the faces of the heroes of our race and inspired them to endure the horrors of the Dance of Death and the tortures of the autos-da-fé. And this spark is now again kindling and will shine for us, a true pillar of fire going before us on the road to Zion, while behind us is a pillar of cloud, the pillar of oppression threatening to destroy us. Sleepest thou, O our nation? What hast thou been doing till 1882? Sleeping and dreaming the false dream of Assimilation. Now, thank God, thou art awakened from thy slothful slumber. The pogroms have awakened thee from thy charmed sleep. Thine eyes are open to recognize the cloudy structure of delusive hopes. Canst thou listen silently to the flaunts and the mockery of thine enemies? Wilt thou yield before...? Where is thine ancient pride, thine olden spirit? Remember that thou wast a nation possessing a wise religion, a law, a constitution, a celestial Temple, whose wall³ is still a silent witness to the glories of the Past, that thy sons dwell in Palaces and towers, and thy cities flourished in the splendour of civilization, while these enemies of thine dwelt like beasts in the muddy marshes of their dark woods.

While thy children were clad in purple and linen, they wore the rough skins of the wolf and the bear. Art thou not ashamed to submit to them?

Hopeless is your state in the West; the star of your future is gleaming in the East. Deeply conscious of all this, and inspired by the true teaching of our great master Hillel: "If I help not myself, who will help me?" we propose to build the following society for national ends: (1) The Society will be named Bilu, according to the motto: "House of Jacob, come, let us go!" It will be divided into local branches according to the number of members. (2) The seat of the Committee shall be Jerusalem. (3) Donations and contributions shall be unfixed and unlimited.

What we want: (1) A Home in our country. It was given to us by the mercy of God, it is ours as registered in the archives of history. (2) To beg it of the Sultan himself, and if it be impossible to obtain this, to beg that at least we may be allowed to possess it as a state within a larger state; the internal administration to be ours, to have our civil and political rights, and to act with the Turkish Empire only in foreign affairs, so as to help our brother Ishmael in his time of need.

We hope that the interests of our glorious nation will rouse the national spirit in rich and powerful men, and that everyone, rich or poor, will give his best labours to the holy cause.

Greetings, dear brethren and sisters.

Hear, O Israel, the Lord our God, the Lord is one, and our Land, Zion is our one hope.

God be with us!

NOTES

1. The Bilu was a group of young Russian Jews who pioneered the Zionist program of resettlement of the Jewish people in the land of Israel as a solution to the Jewish questions. The group derived its name from the Hebrew

initials of *Beit Yaakov leihu vernelltha* (House of Jacob, come, let us go) (Isaiah 2:5). A reaction to the 1881 pogroms in southern Russia, the Bilu was founded at the beginning of 1882 with Kharkov as its headquarters; later the headquarters was moved to Odessa. The first Bilu contingent arrived in Palestine in mid-1882. After

working in a number of Jewish villages for several years, they founded the settlement of Cedarah. The manifesto published here was issued by members of the Bilu in Constantinople in 1882 en route to Palestine.

2. Hillel was a first century B.C.E. rabbinic authority.
3. The Western or Wailing Wall.

2. AUTO-EMANCIPATION (1882)

LEO PINSKER¹

"If I am not for myself, who will be for me? And if not now, when?"

—Hillel.

The misery caused by bloody deeds of violence has been followed by a moment of repose, and batter and baited can breathe easier for a time. Meanwhile the Jewish refugees are being "repatriated" with the very money that was collected to assist emigration. The Jews in the West have again learned to endure the "Hep, Hep" as their fathers did in days gone by, the flaming outburst of burning indignation at the disgrace endured has turned into a rain of ashes, which is gradually covering the glowing soil. Close your eyes and hide your heads ostrich-fashion as you will; if you do not take advantage of the fleeting moments of repose, and devise remedies more fundamental than those palliatives with which the incompetent have for centuries vainly tried to relieve our unhappy nation, lasting peace is impossible for you.

September, 1882.

The eternal problem presented by the Jewish Question finds men to-day as it did ages ago. It remains unsolved,

like the squaring of the circle, but unlike it, it is still a burning question. This is due to the fact that it is not merely a problem of theoretical interest, but one of practical interest, which renews its youth from day to day.

The essence of the problem, as we see it, lies in the fact that, in the midst of the nations among whom the Jews reside, they form a distinctive element which cannot be assimilated, which cannot be readily digested by any nation. Hence the problem is to find means of so adjusting the relations of this exclusive element to the whole body of the nations that there shall never be any further basis for the Jewish Question.

We cannot, of course, think of establishing perfect harmony. Such harmony as probably never existed, even among other nations. The millennium in which the "International" will disappear, and the nations will merge into humanity, is still invisible in the distance. Until it is realized, the desires and ideals of the nations must be limited to establishing a tolerable *modus vivendi*.

Long will the world have to await universal peace, but in the interim the relations of the nations to one another may be adjusted fairly well by an explicit mutual understanding, an understanding based upon

Source: Trans. Nahum Sokolow, *History of Zionism* (London: Longmans, Green & Co., 1919), vol. 2, pp. 332-33.

Notes: ¹Leo Pinsker, *Autoemancipation*, trans. D. S. Blondheim, revised by Arthur Saul Super (New York: Matsada Youth Zionist Organization of America, 1935), pp. 4-7, 32.

international law, treaties, and especially upon a certain equality in rank and mutually admitted rights, as well as upon mutual regard.

No such equality in rank appears in the intercourse of the nations with the Jews. In the latter case the basis is lacking for that mutual regard which is generally regulated and secured by international law or by treaties. Only when this basis is established, when the equality of the Jews with the other nations becomes a fact, can the problem presented by the Jewish Question be considered solved. Unfortunately, although such equality existed in reality in days long since forgotten, under present conditions we can hope to see it restored only in so remote a future that the admission of the Jewish people into the ranks of the other nations seems illusory. They lack most of those attributes which are the hall-mark of a nation. They lack that characteristic national life which is inconceivable without a common language, common customs, and a common land. The Jewish people have no fatherland of their own, though many motherlands; they have no rallying point, no centre of gravity, no government of their own, no accredited representatives. They are everywhere as guests, and are nowhere at home.

The nations never have to deal with a Jewish nation but always with mere Jews. The Jews are not a nation because they lack a certain distinctive national character, possessed by every other nation, a character which is determined by living together in one country, under one rule. It was clearly impossible for this national character to be developed in the Diaspora: the Jews seem rather to have lost all remembrance of their former home. Thanks to their ready adaptability, they have all the more easily acquired the alien traits of the people among whom their fate has thrown them. Moreover, to please their protectors, not seldom did they divest themselves of their traditional individuality. They acquired, or persuaded themselves that they had acquired certain cosmopolitan tendencies which could appeal to others no more than they could bring satisfaction to the Jews themselves.

In seeking to fuse with other peoples, they deliberately renounced, to a certain extent, their own nationality. Nowhere, however, did they succeed in obtaining from their fellow-citizens recognition as native-born citizens of equal rank.

The strongest fact, however, operating to prevent the Jews from striving after an independent national existence is the fact that they do not feel the need for an

existence. Not only do they feel no need for it, but they go so far as to deny the reasonableness of such a need.

In a sick man, the absence of desire for food and drink is a very serious symptom. It is not always possible to cure him of this ominous loss of appetite. And even if his appetite be restored, it is still a question whether he will be able to digest food, even though he desire it.

The Jews are in the unhappy condition of such a patient. We must discuss this most important point with all possible precision. We must prove that the misfortunes of the Jews are due, above all, to their lack of desire for national independence; and that this desire must be aroused and maintained in time if they do not wish to be subjected forever to disastrous existence—in a word, we must prove that they must become a nation.

In the apparently insignificant circumstance, that the Jews are not considered an independent nation by other nations, rests in part, the secret of their anomalous position and of their endless misery. The most fact of belonging to this people constitutes an insupportable stigma repellent to non-Jews and painful to the Jews themselves. Nevertheless, this phenomenon has its basis rooted deep in human nature.

II.

Among the living nations of the earth the Jews occupy the position of a nation long since dead. With the loss of their fatherland, the Jewish people lost their independence, and fell into a decay which was not compatible with existence as a whole vital organism. The state, was crushed before the eyes of the nations. But after the Jewish people had yielded up their existence as an actual state, as a political entity, they could nevertheless not submit to total destruction—they did not cease to exist spiritually as a nation. The world saw in this people the uncanny form of one of the dead willing among the living. The ghostlike apparition of a people without unity or organization, without limit or other bond of union, no longer alive, and yet moving about among the living,—this eerie form scarcely paralleled in history, unlike anything that preceded or followed it, could not fail to make a strange, peculiar impression upon the imagination of the nations. And if the fear of ghosts is something indomitable, and has a certain justification in the psychic life of humanity, what wonder that it asserted itself powerfully at the sight of this dead and yet living nation?

fear of the Jewish ghost has been handed down and strengthened for generations and centuries. It led to a prejudice which, in its turn, in connection with other forces to be discussed later, paved the way for Judophobia....

Summary

The Jews are not a living nation; they are everywhere aliens; therefore they are despised.

The civil and political emancipation of the Jews is not sufficient to raise them in the estimation of the peoples.

The proper, the only remedy, would be the creation of a Jewish nationality, of a people living upon its own soil, the auto-emancipation of the Jews, their emancipation as a nation among nations by the acquisition of a home of their own.

We should not persuade ourselves that humanity and enlightenment will ever be radical remedies for the malady of our people.

The lack of national self-respect and self-confidence of political initiative and of unity, are the enemies of our national renaissance.

In order that we may not be constrained to wander from one exile to another, we must have an external, productive place of refuge, a rendezvous which is our own.

The present moment is more favourable than any other for the plan unfolded.

The international Jewish question must receive a national solution. Of course, our national regeneration can only proceed slowly. We must take the first step. Our descendants must follow us in measured and not over-hasty time.

A way must be opened for the national regeneration of the Jews by a congress of Jewish notables.

No sacrifice would be too great in order to reach the goal which will assure our people's future, everywhere endangered.

The financial accomplishment of the undertaking can in the present state of the case encounter no insuperable difficulties.

Help yourselves, and God will help you!

NOTES

1. Born in Russian Poland, Leo (Yehudah Leib) Pinsker (1821–1891) was a physician by profession. As a solution to the Jewish Question, he initially advocated the adoption of enlightened Russian culture. While practicing medicine in Odessa, he contributed an article to the Russian-Jewish weekly *Razsvet* (see chapter 7, document 17). His faith in the efficacy of acculturation was undermined by anti-Jewish pogroms in Odessa in 1871 and a palpable shift in official Russian attitudes toward the Jews. The pogroms that swept southern Russia from 1881 to 1884, and the mass emigration—or rather flight—of Jews that followed, led Pinsker to a radical revision of his understanding of antisemitism and its possible solution. He undertook an extensive tour of Western Europe—Vienna, Paris, Berlin, and London—to discuss with various leading Jewish dignitaries the Jewish Question. His suggestion that the most rational solution would be the concentration of the Jews in a country of their own was for the most part dismissed out of hand. One prominent British Jew was less skeptical and encouraged Pinsker to develop his views in writing. And so he did. While in Berlin, he penned a pamphlet in German entitled *Autoemancipation: A Warning of a Russian Jew to His Brethren*. He called upon his fellow Jews to disabuse themselves of the illusion that antisemitism is but a medieval relic and would disappear with the march of progress and the ascendancy of liberal democracy. *Judophobia*—a medical term he favored to antisemitism, which he regarded a misnomer—is endemic to the Diaspora, for reasons he explored in his pamphlet. When he returned to Russia, he joined the Hibbat Zion movement (see this chapter document 3), which in 1884 named him the chairman of its Central Committee.
2. See chapter 5, document 3, note 6.

red men have chil-
e about it! Let the
d not labor in vain
e and to plant the
Our language and
n. Yet who loves

... people,
... as much as Mr. S. Let
Professor Joseph Halévy⁴ testify whether the pupils
of the Ecole Orientale in Paris didn't tell him that
they had no need of the Hebrew language, "for a
man can be Israeliite without it." Yet... the Director
[of the Ecole Orientale] reminds his pupils every
day that they are Jews, that they have a duty to love
their people, to love our language and our learning,
that is the only reason for the Alliance's benevo-
lence towards them—and what is the result?... Will
our language and our literature last much longer if
we don't put it into the mouths of descendants, if
we don't make it a *spoken* language? And how can we
succeed in making it a spoken language other than
making it the language of instruction in the schools?
Not in Europe, nor in any of the lands of our exile!
In all these lands we are an insignificant minority,
and no amount of effort to teach our language to
our children is going to succeed. But in our land,
the Land of Israel, in the schools that we shall found
there, we must make it the language of instruction
and study.

NOTES

1. The father of modern Hebrew, the Russian-born Eliezer Ben Yehuda (1858–1922) first broached the need to revive Hebrew as the spoken language of the Jews in a series of articles he published in *Ha-Magid*, the first Hebrew weekly (see chapter 5, document 11, note 1). In these articles, he argues that because of the nature of secular modernity, assimilation in the diaspora is inevitable. Despite the best efforts of enlightened

Hebrew educators and writers, the sociological real-
ity of living as a minority in an open society will
draw Jewish youth to the cultural and social world
of the majority population. The older generation of
Masithim, raised as they were in the insular world
of traditional Judaism in which they imbibed a rich
and firmly rooted Jewish education and identity, Ben
Yehuda reasoned, underestimated the assimilatory
pull of modern secular culture. *Masithim*, such as
Perez Smolenskin (see chapter 7, document 20), he
held, naively believed that a secular national Jewish
identity could be sustained in the Diaspora solely
through Hebrew as the literary language of Jews, but a
knowledge of written Hebrew is not sufficient to stem
the tide of assimilation of a generation bereft of roots
in the tradition. A secular Jewish national identity can
take root only if Hebrew will once again become the
spoken everyday language of the Jews in their ancestral
homeland. In 1881 Ben Yehuda settled in Jerusalem.
Determined to realize his vision, he raised his son,
Eliezer Ben-Avi (1881–1943), entirely in Hebrew.
He would become the first native speaker of modern
Hebrew.

2. George Mandel notes that "Ben-Yehuda is using the world 'enlightened' here in the sense of 'familiar with modern secular culture'" (George Mandel, "Why did Ben-Yehuda Suggest the Revival of Spoken Hebrew," in *Hebrew in Ashkenaz: A Language in Exile*, Lewis (Clarendon ed., p. 206, n. 9).
3. S.S. is likely a reference to Senior Sachs (1816–1892), a Hebrew scholar who was living in Paris at the time.
4. Joseph Halévy (1827–1917) was a scholar of Semitic languages and a Hebrew writer.
5. "Ben-Yehuda's remarks about the Ecole Normale Israélite Orientale, a school set up in Paris by the Alliance Israélite Universelle to train teachers for the network of Alliance schools in the Orient, were based on his own observation when he had briefly taught a pupil there and attended a class taught by Eliezer (Mandel, *ibid.*, p. 201).

6. A SOLUTION OF THE JEWISH QUESTION (1896)

THEODOR HERZL¹

I have been asked to lay my scheme in a few words before the readers of the *Jewish Chronicle*.² This I will endeavour to do, although in this brief and rapid account, I run the risk of being misunderstood. My first and incomplete exposition will probably be modified at by Jews. The bad and foolish way we rid-
dle one another is a survival of slavish habits con-
firmed by us during centuries of oppression. A free
man sees nothing to laugh at in himself, and allows
no one to laugh at him.

I therefore address my first words to those Jews who are strong and free of spirit. They shall form the earliest audience, and they will one day, I hope, welcome my friends. I am introducing no new idea, on the contrary, it is a very old one. It is a universal idea—and therein lies its power—old as the people, which never, even in the time of bitterest calamity, turned to cherish it. This is the restoration of the Jewish State....

Two phenomena arrest our attention by reason of the consequences with which they are fraught. One, the high culture, the other, the profound barbarism of the Jew. I have intentionally put this statement in the form of a paradox. By high culture, I mean the marvellous development of all mechanical contrivances making the forces of nature serve man's purposes, by profound barbarism, I mean antisemitism....

The Jewish Question still exists. It would be foolish to deny it. It exists wherever Jews live in percep-
tible numbers. Where it does not yet exist, it will be brought by Jews in the course of their migrations. We naturally move to those places where we are not per-
secuted, and there our presence soon produces perse-
cution. This is true in every country, and will remain true even in those most highly civilised—France itself

is no exception—till the Jewish Question finds a solu-
tion on a political basis. I believe that I understand antisemitism, which is in reality a highly complex movement. I consider it from a Jewish standpoint, yet without fear or hatred. I believe that I can see what elements there are in it of vulgar sport, of common trade, of jealousy, of inherited prejudice, of religious intolerance, and also of legitimate self-defence.

Only an ignorant man would mistake mod-
ern antisemitism for an exact repetition of the Jew-
baiting of the past. The two may have a few points of resemblance, but the main current of the move-
ment has now changed. In the principal countries where antisemitism prevails, it does so as a result of the emancipation of the Jews. When civilised nations awoke to the inhumanity of exclusive legislation, and enfranchised us—our enfranchisement came too late. For we had, curiously enough, developed while in the Ghetto into bourgeois people, and we stepped out of it only to enter into fierce competition with the mid-
dle classes. Historical circumstances made us take to finance, for which, as every educated man knows, we had, as a nation, no original bent. One of the most important of these circumstances was the relation of the Catholic Church to "anacostism."³ In the Ghetto we had become somewhat unaccustomed to bodily labour and we produced in the main but a large number of mediocre intellects. Hence, our emanci-
pation set us suddenly within the circle of the middle classes, where we have to sustain a double pressure, from within and from without. The Christian bour-
geoisie would not be unwilling to cast us as a sac-
rifice to socialism, though that would naturally not improve matters much. But the Jewish Question is no more a social than a religious one, notwithstanding

that it sometimes takes on these and other forms. It is a national question which can only be solved by making it a political world-question to be discussed and controlled by the nations of the civilised world in council.

We are one people. One People. We have honestly striven everywhere to merge ourselves in the social life of surrounding communities, and to preserve only the faith of our fathers. It has not been permitted to us. In vain are we loyal patriots, in some places our loyalty running to extremes; in vain do we make the same sacrifices of life and property as our fellow-citizens; in vain do we strive to increase the fame of our native land in science and art, or her wealth by trade and commerce. In countries where we have lived for centuries we are still cried down as strangers; and often by those whose ancestors were not yet domiciled in the land where Jews had already made experience of suffering. Yet, in spite of all, we are loyal subjects, loyal as the Huguenots, who were forced to emigrate. If we could only be left in peace!

We are one people—our enemies have made us one in our distress, as repeatedly happens in history. Distress binds us together, and thus united, we suddenly discover our strength. Yes, we are strong enough to form a state, and a model state. We possess all human and material resources necessary for the purpose.... The whole matter is in its essence perfectly simple, as it must necessarily be, if it is to come within the comprehension of all.

Let the sovereignty be granted us over a portion of the globe large enough to satisfy the requirements of the nation—the rest we shall manage for ourselves. Of course, I fully expect that each word of this sentence, and each letter of each word, will be torn to tatters by scoffers and doubters. I advise them to do the thing cautiously, if they are themselves sensitive to ridicule. The creation of a new state has in it nothing ridiculous or impossible. We have, in our day, witnessed the process in connection with nations which were not in the bulk of the middle class, but poor, less educated, and therefore weaker than ourselves. The governments of all countries, scourged by anti-semitism, will serve their own interests, in assisting us to obtain the sovereignty we want. These governments will be all the more willing to meet us halfway, seeing that the movement I suggest is not likely to bring about any economic crisis. Such crises, as

must follow everywhere as a natural consequence of Jew-baiting, will rather be prevented by the carrying out of my plan. For I propose an inner migration of Christians into the parts slowly and systematically evacuated by Jews, if we are not merely suffered to do what I ask, but are actually helped, we shall be able to effect a transfer of property from Jews to Christians in a manner so peaceable and on so extensive a scale, as has never been known in the annals of history.

Everything must be carried out with due consideration for acquired rights and with absolute conformity to law, without compulsion, openly and by light of day, under the supervision of authority and the control of public opinion....

Our clergy, on whom I most especially call, will devote their energies to the service of this idea. They must, however, clearly understand from the outset, that we do not mean to found a theocracy, but a tolerant modern civil state. We shall, however, rebuild the Temple in glorious remembrance of the faith of our fathers. We shall unroll the new banner of Judaism, a banner bearing seven stars on a white field. The white field symbolizes our pure new life, the seven stars, the seven golden hours of a working day. For we shall march into the Promised Land carrying the badge of labour...

Let all who will join us fall in behind our flag, and fight for our cause with voice and pen and deed count on all our ambitious young men, who are not debarr'd from making progress elsewhere....

Thus we also need a "gestor" [manager] to direct this Jewish political cause. The Jewish people are at yet prevented by the Diaspora from undertaking the management of their business for themselves. At the same time they are in a condition of more or less severe distress in many parts of the world. They need a "gestor." A first essential will therefore be the creation of such.

This "gestor" cannot, of course, be a single individual, for an individual who would undertake this giant work alone, would probably be either a madman or an impostor. It is therefore indispensable to the integrity of the idea and the vigorous execution that the work should be impersonated. The "gestor" of the Jews must be a union of several persons for the purpose, a body corporate, the body corporate or corporation, I suggest, shall be formed in the first instance from among those ethnic English Jews to whom I imparted my solution.

in London. Let that body be called "the Society of Jews," and be entirely distinct from the Jewish Company³ previously referred to. The Society of Jews is the point of departure for the whole Jewish movement about to begin. It will have work to do in the domains of science and politics, for the founding of the Jewish state, as I conceive it, presupposes the application of scientific methods. We cannot journey out of Mizraim [Egypt] today, in the primitive fashion of ancient times. We must previously obtain an accurate account of our numbers and strength.

My pamphlet (*The Jewish State*) will open a general discussion on the Jewish question. Friends and enemies will take part in it, but it will no longer, I hope, take the form either of violent abuse or of sentimental vindication, but of a debate, practical, large, earnest and political. The Society of Jews will gather all available information from statesmen, parliaments, Jewish communities and societies, from speeches, letters and meetings, from newspapers and books. It will thus find out for the first time whether Jews really wish to go to the Promised Land, and whether they ought to go there. Every Jewish community in the world will send contributions to the Society towards a comprehensive collection of Jewish statistics, further tasks, such as investigation by experts of the new country and its natural resources, planning of joint migration and settlement, preliminary work for legislation and administration, etc., must be judiciously evolved out of the original scheme. In short, the Society of Jews will be the nucleus of our public organizations. . . .

Shall we choose [the] Argentine Republic or Mexico? We will take what is given us and what is refused by Jewish public opinion. Argentina is one of the most fertile countries in the world, extends over a vast area, and has a sparse population. The Argentine Republic would derive considerable profit from the cession of a portion of its territory to us. The different infiltration of Jews has certainly produced some friction, and it would be necessary to enlighten the Republic on the intrinsic difference of our new immigrant.

Palestine is our ever-memorable historic home. The very name of Palestine would attract our people with a force of extraordinary potency. Supposing His Majesty the Sultan were to give us Palestine, we could then pledge ourselves to regulate the whole

finances of Turkey. There we should also form a portion of the rampart of Europe against Asia, an outpost of civilisation as opposed to barbarism. We should remain a neutral state in intimate connection with the whole of Europe, which would guarantee our continued existence. The sanctuaries of Christendom would be safeguarded by assigning to them an extra-territorial status, such as is well known to the law of nations. We should form a guard of honour about these sanctuaries, answering for the fulfillment of this duty with our existence. This guard of honour would be the great symbol of the solution of the Jewish Question after nearly nineteen centuries of Jewish suffering....

What form of constitution shall we have? I incline to an aristocratic republic, although I am an ardent monarchist in my own country. Our history has been too long interrupted for us to attempt direct continuity of the ancient constitutional forms without exposing ourselves to the charge of absurdity.

What language shall we speak? Every man can preserve the language in which his thoughts are at home. Switzerland offers us an example of the possibility of a federation of tongues. We shall remain there in the new country what we now are here, and shall never cease to cherish the memory of the native land out of which we have been driven.

People will say that I am furnishing our enemies with weapons. This is also untrue, for my proposal can only be carried out with the free consent of a majority of Jews. Individuals, or even powerful bodies of Jews, might be attacked, but governments will take no action against the collective nation. The equal rights of Jews before the law cannot be withdrawn where they have once been conceded, for their withdrawal would immediately drive all Jews, rich and poor alike, into the ranks of the revolutionary party. Even under present conditions the first official violation of Jewish liberties invariably brings about an economic crisis. The weapons used against us cut the hands that wield them. Meantime, hatred grows apace.

Again, it will be said that our enterprise is hopeless, because, even if we obtain the land with the supremacy over it, the poorest Jews only will go there. But it is precisely the poorest whom we need at first. Only desperados make good conquerors. The rich and well-to-do will follow later, when they find the new country as pleasant as the old, or even pleasanter....

But we can do nothing without the enthusiasm of our own nation. The idea must make its way into the most distant miserable holes where our people dwell. They will awaken from gloomy brooding, for into their lives will come a new significance. Let each of them but think of himself, and what vast proportions the movement must assume! And what glory awaits those who fight unselfishly for the cause! A wondrous generation of Jews will spring into existence. The Maccabees will rise again.

And so it will be: It is the poor and the simple who do not know what power man already exercises over the forces of nature; it is just these who will have firmest faith in the new message. For these have never lost the hope of the Promised Land.

This is my message, fellow Jews! Neither fable nor fraud! Every man may test its truth for himself, for every man will carry with him a portion of the Promised Land—one in his head, another in his arms, another in his acquired possessions. We shall live at last, as free men, on our own soil, and die peacefully in our own home.

NOTES

1. Theodor Herzl (1860–1904), father of political Zionism and founder of the World Zionist Organization. While serving as the Paris correspondent for the *Neue Freie Presse* of Vienna, from 1890 to 1895, Herzl—an assimilated Jew of minimal Jewish commitment—was aroused by the growing antisemitism in the birthplace of liberalism and Jewish emancipation. The Dreyfus Case—the trial and the public demand for “Death to the Jew”—prompted Herzl to draw the conclusion that the only feasible solution to the Jewish problem was a mass exodus of the Jews from the countries of their torment and a resettlement in a land of their own. Recent scholarship, however, questions the significance Herzl attached to the Dreyfus Affair and argues that it was rather his reaction to Austrian antisemitism that prompted Herzl’s conversion to Zionism. (See Jacques Kronberg, *Theodor Herzl, From Assimilation to Zionism* (Bloomington Indiana University Press, 1993), 190–93. Herzl devoted the remainder of his life to the realization of this idea. This article, published in the influential London Jewish weekly *The Jewish Chronicle*, adumbrates the main points of his *Der Judenstaat: Versuch einer modernen Loesung der juedischen Frage* [The Jewish State: An Attempt at a Modern Solution of the Jewish Question] (Vienna: M. Breitenstein, 1896), in which he introduced his plan to the world.

2. Herzl arrived in London on November 21, 1895. Through Max Nordau (see document 14), he met Isaac Zangwill (see document 18) who introduced him to some influential people and also obtained for Herzl an invitation to a banquet of the Maccabees Club at which Herzl expounded his ideas and where he established important contacts. Herzl met Asher Hays (1848–1902) of *The Jewish Chronicle* at the club. Hays asked Herzl for an article with the result that his article in *The Jewish Chronicle* preceded by four weeks publication of *Der Judenstaat*.

3. The principle of charging compound interest.

4. This paragraph appears to have been taken verbatim from *The Jewish State*.

5. According to Herzl’s plan, the Jewish Company was to be entrusted with the execution of the transfer of the Jews to their own state. The society that Herzl proposed was later to be called the World Zionist Organization.

6. This passage, which also appears in *The Jewish State*, is frequently cited as proof of the colonial, imperialist inclinations of Zionism. However, this statement by Herzl must be viewed in light of his vision of the Zionist homeland as an ally of colonized people in their struggle for liberation and restored dignity. See, for example, the passage in his novel *Old-New Land* (1902)—Herzl’s political vision of the New Society of a sovereign Jewish state, in which Professor Steineck, head of the Scientific Institute of the New Society, relates to two foreign visitors, Dr. Loewenberg and Mr. Kingscourt, his hopes for using the institute’s knowledge “to open up Africa.”

Yes, Mr. Kingscourt...I hope to find the cure for malaria. We have overcome it here in Palestine...But conditions are different in Africa. The same measures cannot be taken there because the prerequisite—mass immigration—is not present. The white colonialist goes under in Africa. That country can be opened up to civilization only after malaria has been subdued. Only then will enormous areas become available for the surplus populations of Europe. And only then will the proletarian masses find a healthy outlet. Understand?

Kingscourt laughed. “You want to cart off the whites to the black continent, you wonder-worker!”

“Not only the whites!” replied Steineck gravely. “The blacks as well. There is still our problem of racial misfortune unsolved. The depths of that problem, in all its horror, only a Jew can fathom. I mean the Negro problem

Don’t laugh Mr. Kingscourt. Think of the hair-raising horrors of the slave trade. Human beings because their skins are black, are stolen, carried off, and sold. Their descendants grow up in alien surroundings despised and hated because their skin is differently pigmented. I am not ashamed to say, though I

7. PROTEST AGAINST ZIONISM (1897)¹

PROTEST RABBI/NER

[A] We recently received from Vienna the new newspaper of the “Zionists,” *Die Welt*.² It appeared on the eve of the holiday of the Feast of Weeks, which reminds us more than any other holiday that it was our lot’s destiny from the start to be a “Kingdom of priests.” This newspaper contains propaganda for a Congress of Jewish Nationals, called for the twenty-fifth of August of this year [1897] in Munich.

Die Welt is a calamity and must be resisted. As clearly as the Zionists wrote in Hebrew they were not ambiguous, but now that they are writing in German, they must be opposed. It is not a question of refuting their claims. For how can one speak with people living on the one hand are fanatics regarding Jewish nationhood and, on the other hand, complain that the Austrian government required a baptismal certificate from the candidate for the position of Secretary of the province of Bukowina. If the Austrian Jews support the efforts of the Zionists, then they should not complain that they are treated by the government like foreigners and are barred from public office.

We, however, can say to our fellow countrymen with complete conviction that we comprise a separate community solely with respect to religion. Regarding nationality, we feel totally at one with our fellow

be thought ridiculous, now that I have lived to see the restoration of the Jews. I should like to pave the way for the restoration of the Negroes.” Theodor Herzl, *Old-New Land*, trans. Lotia Levensohn (New York: Bloch Publishing Company and the Herzl Institute, 1960) pp. 169–70).

Germans and therefore strive towards the realization of the spiritual and moral goals of our dear fatherland with an enthusiasm equalling theirs. Hence, we are permitted to urge the complete implementation of equal rights and to perceive every curtailment of these rights as an injury to our most righteous sensibilities.

What more can one say, if people are so naive as to believe that the West European Jews will hand over their money to purchase Palestine from the Turks and to create a Jewish organization that will reverse the entire development of the Jewish nation? Eighteen hundred years ago, history made its decision regarding Jewish nationhood through the dissolution of the Jewish State and the destruction of the Temple. Recent Jewish scholarship can count among its highest achievements the fact that this conception has gained the widest circulation among the Jews of all civilized countries.

The Zionists want to provide “an internationally guaranteed place to call home” for those Jews “who cannot or do not want to assimilate in their present places of residence.” But where are the Jews who do not want to assimilate? The fact that right now they are still unable to assimilate in many countries makes

[1] *Allgemeine Zeitung des Judentums*, June 11, 1897. Trans. M. Gelber. [2] *Berliner Tageblatt* (July 6, 1897), trans. in *The Jewish People*, July 9, 1897, p. 9.

y indicated, the rebirth of the same time the form in which this es in the great cultural movement of manly Zionism and Jewish art are two chi our rebirth....

NOT

1. Together with young intellectuals who were followers of Ahad Haam's cultural Zionism, such as Leo Motzkin (1867–1933) and Chaim Weizmann (1874–1952) Martin Buber (1878–1965) formed a Democratic Faction. They opposed what they regarded to be Herzl's autocratic leadership and night-exclusive emphasis on political objectives. The Democratic Faction, which made its debut at the Fifth Zionist Congress, thus advocated a larger measure

of democratic participation in the movement's leadership and the adoption of an educational and cultural program. A student of art history, to which he devoted his never-completed habilitation thesis, Buber had a pronounced interest in art. Concurrent with the congress, he organized with other members of the Democratic Faction an "art exhibition." In his address to the Congress, he explained the rationale of the exhibition and expounded on the vital role that art—in all its expressions—is to play in the spiritual and cultural "rebirth" of the Jewish people. (For a further discussion of Buber and Zionism, see document 29 in this chapter.)

2. Richard Bergh (1858–1919) was a realistic Swedish painter. Ellen Key (1849–1926) was a feminist and respected writer on varied subjects in the fields of family life, education, and ethics.

14. JEWRY OF MUSCLE (JUNE 1903)

MAX NORDAU¹

Two years ago, during a committee meeting at the Congress in Basle,² I said: "We must think of creating once again a Jewry of muscles."³ Once again! For history is our witness that such a Jewry had once existed. For too long, all too long have we been engaged in the mortification of our own flesh. Or rather, to put it more precisely—others did the killing of our flesh for us. Their extraordinary success is measured by hundreds of thousands of Jewish corpses in the ghettos, in the churchyards, along the highways of medieval Europe. We ourselves would have gladly done without this "virtue" [i.e.,

the "Christian virtue of corporal mortification"] We would have preferred to develop our bodies rather than to kill them or to have them—figuratively and actually—killed by others. We know how to make rational use of our life and appreciate its value. If, unlike most other peoples, we do not conceive of [physical] life as our highest possession, it is nevertheless very valuable to us and thus worthy of careful treatment. During long centuries we have not been able to give it such treatment. All the elements of Aristotelian physics—light, air, water and earth—were measured out to us very sparingly. In the narrow Jewish street our poor limbs soon forgot that

they were limbs; in the dimness of sunless houses our eyes began to blink shyly; the fear of constant persecution turned our powerful voices into frightened whispers, which rose in a crescendo only when our martyrs on the stakes cried out their dying prayers in the face of their executioners. But now, all coercion has become a memory of the past, and at least we are allowed space enough for our bodies to live again. Let us take up our oldest traditions; let us once more become deep chested, sturdy, sharp-eyed men.

This desire of going back to a glorious past finds a strong expression in the name which the Jewish gymnastic club in Berlin has chosen for itself.⁴ Bar Kokhba was a hero who refused to know defeat.⁵ When in the end victory eluded him, he knew how to die. Bar Kokhba was the last embodiment in world history of a bellicose, militant Jewry. To evoke the name of Bar Kokhba is an unmistakable sign of ambition. But ambition is well suited for gymnasts striving for perfection.

For no other people will gymnastics fulfill a more educational purpose than for us Jews. It shall strengthen us in body and in character. It shall give us self-confidence, although our enemies maintain that we already have too much self-confidence as it is. But who knows better than we do that their imputations are wrong? We completely lack a sober confidence in our physical prowess.

Our new muscle-Jews [*Muskeljuden*] have not yet regained the heroism of our forefathers who in large numbers eagerly entered the sport arenas in order to take part in competition and to pit themselves against the highly trained Hellenistic athletes and the

powerful Nordic barbarians. But morally, even now the new muscle-Jews surpass their ancestors, for the ancient Jewish circus fighters were ashamed of their Judaism and tried to conceal the sign of the Covenant by means of a surgical operation,⁶ ... while the members of the "Bar Kokhba [Association]" loudly and proudly affirm their national loyalty.

May the Jewish gymnastic club flourish and thrive and become an example to be imitated in all the centers of Jewish life!

NOTES

1. Max Nordau (1849–1923), physician, avant-garde literary critic, novelist. One of the most controversial and influential authors of his day, he was among Herzl's earliest supporters.
2. Congress in Basle, i.e., the Second Zionist Congress, held in Basle, Switzerland, during the summer of 1898.
3. At the Second Zionist Congress, Nordau and Max Mandelstamm (1839–1912) (a Russian ophthalmologist and Zionist leader who supported Herzl) proposed a program to promote the physical fitness of Jewish youth. In response, the Bar Kokhba gymnastic club was founded in Berlin in 1898. Similar clubs were soon established throughout Europe.
4. Bar Kokhba (Simeon bar Kosevah) (d. 135 C.E.) led the Jewish revolt against Hadrian that broke out in 132 C.E.
5. According to Josephus (a Jewish historian), Hellenized Jews, who in accordance with Greek custom wrestled in the nude, would often undergo surgery in order to disguise their circumcision.