



Volume 3. From Vormärz to Prussian Dominance, 1815-1866

Debate in the Parliament of the Duchy of Nassau on a Motion for the Complete Emancipation of the Jews in the Duchy (1846)

In May 1846, the parliament of the Duchy of Nassau discussed a motion to grant equal civic rights to the Jewish population. Comparable to deliberations in other German states during the revolution of 1848/49, the Nassau debate demonstrates the widely differing views expressed by the deputies both concerning the requirements of citizenship and the extent to which Nassau's Jews met these standards.

Argument for the motion for complete emancipation of the Jews.

Gentlemen! The current state parliament has begun under favorable auspices. The government has proved its honor by giving complete freedom to elections, refraining from influencing the same, and showing thereby that it knows how to respect and acknowledge public opinion. The chambers have proven no less – in that they pressed for the complete publication of their minutes and, as one may well assume, are going to voice their support for public and oral trials as well as for jury trials – that they, precisely because they are constitutional-monarchical, are also liberal minded and pervaded by the conviction that the acknowledgment of just claims is the surest mainstay for existing institutions and also gives them the loveliest sheen. Indeed, lawful freedom is the most reliable protection for lawful order, the best way to guarantee justice toward all, the love of all for the state and the princely house to which they belong, as well as to the grand Fatherland to which they are obligated to devote worldly goods and blood. In our state this justice has still not materialized for those confessing the Jewish faith; they lack this lawful freedom to a significant extent, and the subject of my motion is: to beseech the eminent government for a legislative proposal through which this deplorable state of affairs will be abolished and the Jews in Nassau, in exchange for the complete assumption of citizens' duties, will gain a share in the complete enjoyment of citizenship rights. To argue on behalf of this motion, I shall permit myself to call attention to the restrictions to which the Jews among us are subjugated, and simultaneously to look at their legal and factual condition in Germany and other countries, and to counter possible objections on the basis of experience. The first part of my task is, I confess, almost embarrassing for me. That, in a country whose government and inhabitants are characterized by a high degree of intelligence, a native – merely because he descends from Jewish parents – can only bear one son who is allowed to start a family, while the other sons are condemned at birth – deprived of the purest joys of family life, unmarried and childless – to lead a desolate, immoral life; this is surely neither to be honorably conceded nor

truthfully denied. Harsh and unjust in every era, this law today – when legislation, even among us Germans, has largely gotten far beyond such enrollment regulations for the Jews – has to seem even more oppressive and injurious than heretofore. In Bavaria, one of the few states where it still exists, the chambers only now assembled have moved to abolish it by a large majority. In the same spirit, and almost even worse, is the decree that deprives the Jew of the right to testify against a Christian in favor of another Jew. This decree is still in effect. Where the law presupposes this kind of immorality, it [also] produces it, and indeed, which is even worse, no less among Christians [than among Jews]. A law like this sanctions every injustice that is bestowed on the Jews, every evil attitude that is spread against them. It may be that, in earlier times, this was appropriate for a certain educational class among the Jews as among the Christians. In our century, thank God, the great majority in all religious confessions is at an entirely different level. A regulation like this insults the legislation that allows it, much more so than the Jews that it affects. There was once a Jew tax, a human customs duty, so to speak, taxable religious opinion. This tax was abolished, whereas now they pay the business tax, as we do, in addition to their onerous church tax. Thus, for example, the innkeeper Simon Cahn in Soden pays 54 guilders alone in church taxes, and yet [there is] no equality! One was always in favor of having the Jews pay the same taxes, but not for them enjoying the same citizenship rights. Less insulting but hardly easier to justify are other restrictions affecting them. Thus, for example, a Jew is allowed to be a physician among us, but not a pharmacist. He may prescribe medications, but not sell them. He is permitted to engage in commerce, but is forbidden from dealing in spices. The inconsistency is obvious. These kinds of regulations exist just because they exist. It would be impossible for a new law to uphold them. The Jews have been added to the civil communities of Nassau, insofar as they, for the last two years, have been contributing to the special local community funds according to a government decree. Nevertheless, while they were invited to the last local community elections in Wiesbaden, they were not admitted. That invitation, it was said, was based on an error. In accordance with reasonable legal concepts, the exclusion was an error. Our government has, by applying these special taxes to them, also acknowledged their right to have a say in local community matters, to help vote for local community offices, and to be elected. Hopefully, the government will have no reservations about pronouncing this in law. Indeed, in Prussia, where political citizenship rights are still withheld from them, they are nonetheless admitted to municipal offices and voting. [. . .]

(Remarks about conditions in Württemberg and France follow here.) When, therefore, the three neighboring countries mentioned, when here in Germany Hesse-Cassel [Kurhessen or Electoral Hesse] granted the Jews complete political citizenship rights, when they have made it into every branch of the civil service in Württemberg, and in Baden at least into some branches, [when they] can be elected as representatives in the state parliament in Braunschweig [Brunswick], and when the result everywhere has been beneficial and nowhere disadvantageous, when the Prussian Rhinelands at last year's provincial estates interceded with a large majority and warm conviction on behalf of complete equality for the Jews with the Christians, then it would surely be unjust if our Nassau were to lag behind. It would be unforgivable if the government would continue, as is now the case, to be legally prohibited from assigning the smallest office, the lowliest government service, to a man it finds qualified if he has incidentally been born to Jewish

parents and is honest enough not to want to profess Christianity outwardly so long as he is not inwardly persuaded by it. Indeed, our enlightened government itself has de facto acknowledged the principles I am defending here by promoting the worthy Doctor Herz in Weilburg to senior medical officer. Of what use to the state and Christianity are hypocrites like these, who change their outer character for the sake of office because they are dyed-in-the-wool fakes. As early as 1814 the princes, Duke Frederick August and Prince Frederick William of Nassau, of blessed memory, at the opening of the law on establishing the state parliaments, uttered noteworthy (and, for the enlightened House of Nassau, befitting) words [to the effect] that they – "in the midst of the continuous oppressions of force in foreign relations – have secured the civic freedoms of their subjects and maintained political equality of the same before the law. Proceeding from this viewpoint and guided by motives like these, We have, it goes on to say, applied the most complete toleration of religious opinions and free practice of every divine service in our country." Now then, gentlemen, it befits the House of Nassau, to whose name the concept of freedom of belief is linked, [and] it befits the delegates of our beautiful, blessed, and intelligent country to be at the forefront of great, legal progress in our Fatherland. It is our duty to propose the abolition of exceptional laws, and especially those that are still placing the Jews under medieval pressure, and with this proposal I certainly have no fear of contradiction. But do not let me, gentlemen, stop here! Let us propose this motion to turn the lovely words of our princes from 1814 into complete reality after 32 years, to fully and frankly acknowledge and to legally articulate civic freedom and political equality for all Nassauers! After 32 years, I say, and how much has happened in these 32 years that testifies to incredible progress on the part of the Jews! Allow me to cite just one fact that seems decisive to me. A number of years ago the Royal Prussian Government announced that it was dealing with a plan to release the Jews – while preserving, indeed even with some expansion, the private citizenship right granted them in this great German land – from military service. What did our contemporary Jews do, and how did their ancestors behave in a similar situation only 50 years earlier? History provides us with an answer. The noble Emperor Joseph II, who was the first among all the German princes to improve their fate and who simultaneously – which was only fair, and which never happened before – drafted them into military service, had to fight both against their resistance and that of the Christian people. The subjugated preferred to remain slaves, in the manner of the servile, rather than to earn their freedom with weapons in hand. Our contemporary Jews, by contrast, felt offended and dishonored by the unreasonable demand that they be excluded from the honor of continuing to bear weapons for the common Fatherland. From all sections and all circles, almost from all cities in the monarchy, remonstrances poured in, in which the Jews insisted on their right to fight for King and Fatherland. Not without emotion I found these words addressed to the king in a petition published by the Jewish board of governors for the Simmern district: "One does not want (by excluding [them] from military service) to offer them the dreary prospect that their descendants would [become] what their ancestors were in dark times and through dark times: a race without courage, without self-esteem, without national feeling, nothing but a burden on both the state and themselves." If the Jews prove that they are ready not only, as Article 16 of the Federal Acts imposes on them, to fulfill all civic duties, but that they also regard it as an insult to their honor when the state wants to relieve them of the duty of shedding their

blood for it, have they not honestly fulfilled the stipulation toward which this very article guarantees them citizenship rights in all the confederal states? Have they not thereby provided the most convincing proof that our contemporary German Jews have joined the German nationality with heart and soul and [that] laws that are valid for completely different Jews no longer apply to them? [. . .]

But it is no less true and irrefutably certain – according to the declarations of the Jewish Sanhedrin (largely composed of Orthodox rabbis) which assembled in France in 1806, from the decisions of the German Rabbinical Assembly in Braunschweig and Frankfurt, to which two Nassau rabbis were sent as delegates, and no less from the declarations of their zealous opponents – that the Jewish religion in every era has imposed on its believers observation of the laws of the state as one of the highest obligations. Gentlemen, go over the textbooks of the Jewish religion that underlie their religious instruction in Germany, and you will become convinced that they contain nothing that is not in complete agreement with the precept of love and the requirements of the state and of civilization. Here, too, experience is on the side of the claims of the Jews. No Jew refuses to perform military service on his holidays. On their holidays, it goes without saying, Jewish civil servants are going to be no less exempted from the professional work that the state imposes on them, and will want to be even less. Anyway, the contemporary German Jew is just as little the same as [one] from the Middle Ages as the contemporary Protestant Christian would be [in agreement] with Calvin and Melancton for burning Servet or the Catholic [Christian] for the Inquisition. Thus, religion and politics, experience and civilization testify in favor of the motion which I hereby have the honor of directing to the Chamber: That the same eminent government is beseeched to submit a law which abolishes the exceptional laws existing against the Jews of Nassau and [which is] based on the foundation of granting them, in exchange for fulfillment of the same duties, the same civil and political rights as all other citizens of the state. [. . .]

[. . .]

Mr. Deputy Senfft: As a sign of his participation in this motion and, at the same time, to give some of the gentlemen the opportunity to become better acquainted with the history and literature of this matter, Pastor Dr. Haas of Dickschied, Magistracy of Langenschwalbach, instructed me to offer as a gift to every member of the two Estates Divisions as well as to the Gentleman Commissioners of the duke's government a copy of his publication "The citizenship of the Jews illustrated from the standpoint of domestic policy". After I have carried out this directive, I shall remark in relation to the proposed motion itself only in general, since the same [motion] tends to deserve our complete attention and more careful consideration. Here it is a matter not merely of a more just and favorable regulation of the civic conditions of the Jews, but also of our own honor and our own welfare, for it is unquestionable that we [must] promote and elevate them if we are going to regulate their condition in the way that is urgently demanded by our ethical human nature and the irrefutable law of justice and humanity that is deeply rooted in the spirit of Christianity. In that, blinded by prejudice, one has failed to do this for centuries, in

that one has withheld from the Jews the most natural rights and made them into objects of the most unnatural restrictions and oppressions, one has also nourished particularism in this people, one has forced it into a hostile isolation and maintained it in a state of emergency which, however, has sometimes affected the state in a disadvantageous, often ruinous manner. The more one has gotten away from these stereotypes in modern time and granted the Jews a dignified and more favorable position in society, the more palpably has a drive toward reformation been in evidence among them; the more unmistakably has their spirit and character taken a generally better direction, and I am convinced that this will happen more and more, that the Jews will be joining and assimilating to the life of the state ever more completely, that the name Jew, as in France, Holland, Belgium etc., will completely lose its defamatory meaning among us as well and simply persist as an historic name, if we practice complete justice on this people, which indisputably carries inside itself the seed of intelligence and goodness, and with whom a great deal of good can be accomplished, and if we win them over to our side through the straightforward and open declaration: to us you are welcome as fellow citizens with the same rights we enjoy, so long as you cease holding yourselves back in any way through your religious principles and ceremonial laws from fulfilling all political-civil rights, like us. Mr. Deputy Haas: I too am of the view that it is time to arrange the civic relations of the Jews in their favor and therefore approve of the motion of the honorable member, in that I refer to the considerations already emphasized arguing in its favor. The honorable chamber of deputies may therefore facilitate having the government move in the direction of a usage where, by way of legislation, complete equality for the Jews with the Christian subjects of the Duchy, in a civic and political regard, be granted, as has already happened in France, Bavaria, Holland, in the Kingdom of Württemberg and Electoral Hesse.

Mr. Deputy Eberhard: I can only lend my approval to the comprehensive justification made by the gentleman proposing the motion and add a few words in the same spirit. An old, remarkable people, sufficiently known throughout history, whose greatness and former splendor contrast most glaringly with its current situation, scattered all over the world and distributed in different countries, often persecuted and completely oppressed, without any cohesion, we now find the venerable ruins of this formerly great nation, under the pressure of fate, successfully preserving and defending against hostile attacks its language, customs, and religion – which [are] phenomena [that] not only justify a general sympathy, but at the same time also invite admiration. A less sturdy people under similarly unfavorable circumstances would have long ago succumbed to its hard fate and vanished without a trace. It is left to the progressive spirit of our age to honor these facts and, as much as possible, to compensate for the errors committed in past centuries. It is necessary for the German Fatherland not only to oppose decisively every existing division, from whatever side it may advance, and the resulting dissipation of its energies, but at the same time to unite them fervently toward the common Fatherland with the general bond of love. It is unjust to accuse the Jews of the inclination to cheat and all the other vices associated therewith. Their oppressors are more to blame. If one were to grant the former the free choice of any occupation they like, this reproach would disintegrate into nothing of its own accord. But forced to rely on just a few sources of income, and those which are already

overfilled by competitors from the ranks of their co-religionists, the necessity of self-preservation creates symptoms that would not arise with free movement.

Only total equality with the other citizens of the country will not only keep the Jews away from the stray paths to which they had formerly turned in distress, but also commit them fervently to their Fatherland, which has up till now treated them only in a stepmotherly fashion, and at the same time spur them on, in friendly union with their Christian neighbors, to perform those services that one may expect from their outstanding aptitudes. Based on these reasons, I likewise move for the complete emancipation of the Jews.

Mr. Deputy Siebert: The gentleman proposing the motion portrays the Jews of today from such a favorable angle that one is almost tempted to become a Jew oneself. The gentleman deputy knows only too well, as he shows in his argument, that every good picture has to include light and shadow; but it is to be regretted that, in the painting he has presented us, he has taken the light from the Jews and the shadow from the Christians. I only wish I had similar experiences to those of the gentleman deputy; but unfortunately this is not the case. I have found that Jews especially are only too [good] at using the distress of the poor as a means of enrichment. Incidentally, I also know quite worthy and honest Jews, whose emancipation I would gladly support. What the gentleman deputy goes on to say, that only the eldest son is entitled to lay claim to protection while the others are condemned to remain unmarried and childless, rests on false premises. According to our laws, certainly, only the eldest son of an Israelite family may be given protection as a commercial dealer. This law is, incidentally, applied quite mildly, in that I myself know families where five sons are commercial people and all of them married. On the other hand, the law also says that the sons born later cannot be denied protection if they dedicate themselves to any other trade. It is to be regretted that so few make use of this. In just the same way, I am convinced that the Jews are rather more favored than disadvantaged against the Christians.

Mr. Deputy Bertram: I agree wholeheartedly with the views developed at great length by the honorable petitioner about tolerance and delayed equality for a previously merely tolerated class of the people, yet beg to remark that the circumstances of the Jews in the Duchy of Nassau are hardly as bleak as they have been portrayed. On the contrary, the impartial observer must admit that the government of Nassau has always accepted the Jews with the greatest warmth. It has made a sustained effort, which is the best thing possible, for the Jews to train themselves, and the Jews themselves do not deny that the level of culture they have achieved is owed to the humane regulations, and may it remain up to the same to supervise and promote a complete assimilation in customs, habits, and practices. The time may not then be too far off when one may instate them without reservation, into the few remaining rights – more honorable than profitable – still left them, and the Christian population will, as I am firmly convinced, gladly leave the prejudices behind that were formerly not entirely unrecognized, and admit them with joy into their ranks.

Mr. Deputy Dresel: I beg to ask the gentleman deputy who just spoke to imagine himself in my place and then to ask himself whether he, in arguing for a motion in favor of the Jews, would have portrayed the worst of the people. I doubt it very much. I did not even name the names of the best, but rather I made do with citing some data as provided by experience. I must expressly protest against [the charge] that I placed Christians below Jews. There are good and bad Jews, good Christians and bad Christians. I have not placed Christianity in the shadows against the Jews. Christianity remains forever in its glory. This continues to be out of the question. As concerns the privileges of the Jews, or rather the withdrawal of rights to which they have a claim, I have taken the liberty of repeating the truth, and indeed supported by testimony from the government itself. With respect to the procedure that one observes against the Jews, though, it must be generally acknowledged that some things have been done for them and granted them, depending on the persons and cases at hand. But their equality with Christians lies not in the law; instead, it is tied to conditions that depend on the government. Moreover, I must answer the previous speaker – who recognizes that the government has done a lot for the Jews, and who believes one could expect of them that they would make appropriate progress in that respect – that, in that case, what I call for in my motion by way of law it is still left up to the will of the government.

[. . .]

Mr. Deputy Zais: The honorable petitioner proceeds from the principle: "Same burdens, same rights." This principle is not entirely applicable in our case. The Jews are a people of foreign origin, with their own laws, customs, and their own religion. Their position, which they therefore occupy among us, is one of protection, and this relationship has existed historically for almost 2000 years. If they are going to be drawn into the same burdens, then it is nothing more than just, because they enjoy all those blessings of the law [*Rechtswohlthaten*], whose expenses can only be paid with the aid of taxes. The advantages we grant them are therefore to be viewed as a privilege on our part, but they cannot be claimed as a right, and we are only required to confer this favor to the extent that we regard it as compatible with the interests of the state. Whether complete civil and national equality for the Jews serves the welfare of the country is something I should want to doubt for as long as their own laws and institutions completely separate them as a foreign people from us, for as long as they do not move the Sabbath to Sunday, the Sabbath that prevents them from establishing an equal business relationship between Christians and Jews.

[. . .]

Mr. Deputy Cratz: I cannot agree with the gentleman petitioning the motion concerning that which he says about the position of the Jews in general, in that they, especially in our country, are surely treated with all consideration and forbearance, and therefore I agree to his motion only to the extent that – as the honorable member who first spoke about this subject expressed himself – they, for the moment, attempt to bring their practices and religious arrangement closer

to those of the Christians and in line with their institutions; so that this would have to proceed first from them before a complete emancipation could take place.

Mr. Deputy Hergenbahn: I only want to remark that I will also vote for additional discussion on the motion. It cannot be disputed that the Christian principles of humanity and brotherly love had not been observed vis-à-vis the Jews for a long time. This was the dark time when Jews were viewed by Christians as a cursed people for all eternity, where Christians believed they were called upon to avenge our Savior and, in glaring contradiction to his teaching, punish the guilt of the Jews' ancestors. It also cannot be disputed that the long-standing oppression of the Israelites put up numerous obstacles to the spiritual [intellectual] and moral development of a large number of them. In this respect we have some injustice to redress. From the reports of the gentleman government commissioner we gather that a lot has already been done in this respect. It is a question of what still needs to be done, and this question is important enough to merit a conscientious, comprehensive investigation.

Mr. Deputy Siebert: I do not believe that my imagination is capable of presenting Jewry as an ideal, and I also cannot vote for an unconditional emancipation, although I am for emancipating those Jews who are ripe for it according to the suggestions of local officials, and I therefore wish that the motion might be brought to a discussion.

[. . .]

Source: *Verhandlungen der Landesdeputiertenversammlung des Herzogtums Nassau* [*Proceedings of the Parliament of the Duchy of Nassau*] (1846), pp. 506-22, 553-60 – excerpt.

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