



Volume 3. From Vormärz to Prussian Dominance, 1815-1866
Memorandum from the Ministry of State of the Duchy of Nassau (1822)

In 1822, the Duchy of Nassau issued the following memorandum on the subject of residence and marriage rights for the Jewish population. Though describing in some detail the distinctiveness of Jews from non-Jews, the authors aimed to diffuse hostile prejudices and rejected any forcible "improvement" of the Jews. The memorandum addresses developments from the previous three decades and recommends that Nassau's Jews be given greater rights.

Assuming that one cannot exterminate the Jews living in the Duchy, not chase them away, not forcibly convert them to Christianity, not prevent them from living and earning their bread without stealing, the question remains, all indictment and defense of the same aside, as to what should be done with them. Earlier maxims held that they should be viewed merely as a tolerated sect that one allowed to exist and work in a state of separation from all civic relations, in return for which they merely paid the state protection money, without incurring either political or civic burdens. Nor did the state even worry about their internal affairs, which were organized by their rabbis. They were excluded from bourgeois occupations, they could not acquire real estate without special permission, learn or practice a trade; trading in dry goods and spices was denied them in most places, and only trading in cattle, pelts, fur goods, butchering, etc., was open to them. This situation ceased in recent times. Jews were made to bear the burdens of state, they had to submit to conscription, pay property and business taxes, become subject to civic burdens, in short, bear all the burdens of citizens of the state and locality without being admitted to the rights of a citizen of the state and locality. Trades and businesses aside from those mentioned above were denied to them, and they were only allowed to acquire real estate. Later, there was a desire to force them to become farmers. They were supposed to acquire enough farmland so that they might cultivate it exclusively with Jewish farmhands and live off of it. This was too great a leap to be practicable. Later, it was only the eldest son of a protected Jew who was supposed to receive a residence and marriage permit, not the others. Special qualifications, wealth, good behavior, none of this helped, and with only a few exceptions was there any reflection about this among the remaining children. If the first [situation], whereby the Jew had to bear every burden without gaining any rights, was unjust, then the second and third [situations] entailed major inconveniences, and if the only possible aim of all these measures could have been to wean the Jews away from commerce, to bring them closer to other citizens by running a farm or useful businesses, in brief, to improve them morally and make them less damaging to the state, then this aim was completely missed, as experience has already shown. Whether the same [aim] can be achieved according to the new rule – not to increase the number of existing

families of Jews, but to grant a residence and marriage permit to a new family head in place of a departing one – may certainly be doubted for the following reasons: 1. The increase in Jews will not be prevented thereby, and, in fact, by making marriage more difficult it will dramatically promote immorality. Instead of legitimate children, there will be no lack of illegitimate children. Instead of family fathers, there will be libertines, instead of well bred children; there will be those who grow up wild! *Naturam furca expellas, tenem usque redibit*. 2. Families in possession of a residence permit will have no interest in directing their children's education toward anything other than commerce, since (after all) neither real estate, nor the operation of a farm or useful business, nor the exceptional morality and education of the remaining children, apart from one of the lucky ones, can supply a residence permit. 3. Those [children] who do not possess a residence permit, who also want to live, will and must become morally bad, because every incentive for them ceases, therefore they will: 4. have to attach themselves to the families possessing a residence permit, who thereby become a privileged caste of Jews and receive a Jewish commercial monopoly. So, instead of extracting business taxes from many, the state will only extract from a few normal families,* [those] who do not have a residence permit, instead of paying taxes to the state, will serve the interests of these monopolists, or, as their [these monopolists'] seeming servants, pursue their own interests on the side, while serving their masters. The trading spirit will thus, instead of being suppressed, become all the more vividly awakened, and consequently the existence of families with permanent residence permits, as well as those without them – whose formation one cannot prevent – will have a doubly pernicious effect on morality and civic life. Therefore, instead of 5. improving, both the normal families and those without resident permits will become worse members of the state. The intention of weaning Jews gradually from commerce and haggling, of bringing them closer to other citizens in morals and business, in farming and industry, must therefore be necessarily misguided. 6. If, in place of a departing family head, another should receive a residence permit, then it has to be asked who, by right, is the first to be appointed thereto. Is it the child of the departed, his firstborn, or can another, long neglected one have hopes? Should the man who marries a widow, receives her business, helps raise her children, keeps her children out of poverty, be counted under the fixed and limited number of those with residence permits, or should he increase their number by one? Without legislative regulation, the government will be flooded with petitions, everyone will want to justify an exception to the rule, and where is the legal criterion according to which one should act if things should not proceed arbitrarily? Thus, complications will be piled on complications, and the result will be that the Jews will not make forward strides in culture and humanity, but will rather take steps backward. But what system will better lead toward the goal of improvements for the Jews? This question is best answered in the negative. Religious pressure, persecution, neglect, contempt, oppression, refusing every natural right, compulsion to do things that can only depend on free will, etc. – all these have never accomplished any good and will not accomplish any good among the Jews. It is undeniable that, since there has been an end to their previous total seclusion, the contempt

* In this context, "normal family" refers to the limited number of families holding permanent residence permits – ed.

[inflicted on] them through body taxes**and other acts of discrimination, since they have been made to incur political and civic burdens, since they have, in short, been more amalgamated to the state, albeit only passively, the Jews have made marked progress in morals and customs, in judgment and conduct. The filthy haggler has ceased. The younger ones distinguish themselves favorably from their elders. I do not say that they have improved completely, but they have progressed, and they will make even more progress if one respects them more and treats them more mildly. If it were decreed that all Jewish children had to attend elementary and grammar school, if the teachers were told to treat them like other children, to leave their religion completely unmentioned, if one were to pay more attention to Jewish schoolteachers, to distinguish those who recommend themselves by their ethical conduct, and not lump them together with the rude haggling Jews, if one let the Jews enjoy the same rights in their civic and private relations and subjected them to the same laws, then the gruffness would certainly wear off them gradually, as is already the case among a few. Without creating general rules connecting the granting of residence permits to family circumstances, a particular occupation, or a fixed number of permits, it would certainly lead to fewer inconveniences and contribute to the ennoblement of the Jews if it were determined merely by [having] a good way of life, the assets necessary for an honest livelihood and its strict accountability, good reports from local superiors and officials, in brief, by personal qualifications. Previously, young people were not directed toward any type of business or farming. To compel them now to one thing or the other is fruitless. To reject them completely because they could not learn this is unjust. Let them therefore pursue a legitimate business, and one can observe them carefully and punish them whenever they cheat, just as every fraud should be punished. The parents should be required to ensure that their children learn a profession. The problem that a Christian master does not want to apprentice a Jew's son, while a Jew's son does not want to apprentice with him, will gradually be resolved of its own accord, for big leaps, after all, do not occur easily. Necessity will conquer the difficulties, just as it does when a Jew has to become a soldier. When young people today know that they can only receive a residence permit if they learn to practice a trade, then surely only a few will want to remain behind. Here, however, new difficulties are going to arise. When the Jews start making shoes, doing tailoring, etc., then Christian craftsmen will yell about being robbed of their businesses, just as small shopkeepers are yelling about how, in the presence of Jews, their prices can no longer be as high as they would like. If the Jew is more diligent, if he seeks to buy raw material less expensively, makes do with less profit, then the consumer profits thereby, and those who are lazy and simple cannot cheat him arbitrarily. That is the real disadvantage here, and there is no intrinsic injustice, because religion alone is no *modus acquirendi* and does not concern the state. Basically, the evil caused by Jews is vastly exaggerated, and the good they do never mentioned. The Jew presumably seeks his advantage, is not delicate about his choice of methods, which some Christians, however, do not manage any better, but should he therefore be deprived of any human right as a result? His religion does not bid him to practice any deception; all enlightened, right-thinking Jews unanimously assure [us] that this is mere slander. Basically, a teaching like that could not even

** The body tax or *Leibzoll* was a tax of the old regime levied on Jews who temporarily came into a city in which they were not permitted to reside – ed.

remain secret; it would have long since become world famous instead of being unproven everywhere to date. But what is settled and certain is that commerce would not be what it is without the commerce of the Jews. The Jew is active, tireless, moderate, frugal, and indefatigable. He is satisfied with a slight advantage. He sounds out all the sales and purchasing channels. Without the Jews, agriculture would be in a bad state. The Jew is the soul of the cattle trade. A market on a day when the Jews have a holiday is worth nothing. The Jew pays the farmer more for his cattle than the butcher or the Christian tradesman, he buys everything and at any time; he lends money against security, delivers things to the home of the farmer that the latter would otherwise spend a long time looking for. Admittedly, some simpleton is [occasionally] cheated, but not infrequently the farmer is wiler than the Jew and cheats him with a defective animal that he cannot otherwise dispose of. There would be usurers and swindlers even if no Jews existed at all. Instances of usury and swindling can only be controlled by certain laws or better human education, and this is what is necessary for Jews and Christians. Truly, Christians make it just as little a matter of conscience when they cheat a Jew as when a Jew cheats a Christian. It is only a Jew, as they say, and yet one wants to condemn the Jew when he repays in kind, whenever he can. *Iliacos intra muros peccatur et extra.*

Source: "Die Reception der Juden" ["The Reception of the Jews"], report on the status of the Jews in the Duchy of Nassau, records of the Ministry of State, "Die staatsbürgerlichen Verhältnisse der Juden im Herzogtum betr." ["Concerning the Citizenship Status of the Jews in the Duchy of Nassau"], author unknown, 1822. Hessisches Hauptstaatsarchiv Abt. 210 Nr. 2777 Bl. 65-68.

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