The emancipation of the Jews in Europe constitutes a historical process that lasted several centuries. Its roots reach back into the Age of Mercantilism and the Enlightenment but its completion in legal terms was only achieved in the late 19th century. Progress varied over time, depending on whether Sephardic or Ashkenazi communities were concerned, whether developed societal structures and an underlying liberal mood prevailed, as in the West, or agrarian-oriented forms with authoritarian governmental structures, as in the East. The emancipation of Jews was never completed in social terms.

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Origins and preconditions

The term *emancipation* 1 was originally used during the early 19th century in association with the liberation of Jews from ghetto life.² Heinrich Heine (1797–1856) (➔ Media Link #ab) spoke of it as one of the first in 1828:

> Was ist ... diese große Aufgabe unserer Zeit? Es ist die Emanzipation. Nicht bloß die der Irländer, Griechen, Frankfurter Juden, Westindischen, Schwarzen und dergleichen gedrückten Volkes, sondern es ist die Emanzipation der ganzen Welt, absonderlich Europas, das mündig geworden ist und sich jetzt losreiβt von dem eisernen Gängelbande der Bevorrechten der Aristokratie.³

This word – originally a Roman legal term for freeing slaves⁴ – in this way came to refer to the social and legal release of disadvantaged groups from a state of bondage and, thus, became a fighting word of the bourgeoisie against the ruling aristocracy.⁵ Contemporary reform projects discussed in terms such as "naturalisation" and "civil improvement" were retroactively included. What was truly new, and for which the Heine quote stands here, was that Jewish emancipation was viewed as part of a Europe-wide development in which the bourgeois society would displace the premodern aristocratic society. Jews were not asked, as is claimed in the historical literature,⁶ to join the bourgeoisie but were in fact supposed to constitute it, as were many other disadvantaged groups.⁷

Under the Ancien Régime, Jews, who were allotted to various protective relationships and could not participate in Christian corporations and governing institutions, were kept in a state of dependence across Europe under the influence of the theological doctrine of their inferior legal position. Insofar as they enjoyed autonomous rights, these were only granted to the extent to which they conformed to the interests of the rulers.⁸ After the Thirty Years' War, when epidemics and destruction led to new reflections in the interest of reconstruction, Jews everywhere became increasingly the focus of the authorities' attention with a view toward their "usefulness". The ideas of Cameralism, which desired to achieve an increase of state revenues by utilising all groups of the population and, consequently, the economic strength of the country,⁹ brought about a first "emancipation push" for Jews. Furthermore, the
Physiocratic teachings of François Quesnay (1694–1774) (Media Link #ac), which had been spreading since the late 18th century, began to affect the situation of the Jews, since in Western Europe (Media Link #ae), too, the previously exclusive orientation of Jews to trades was condemned and a "productive" agricultural occupation was demanded for Jews.11

The first tangible result of mercantilist utilitarian thinking was the resettlement of Jews in various towns and countries in which they were previously forbidden to stay – specifically in Brandenburg with Berlin and Halberstadt under the Great Elector (1620–1688) (Media Link #ad),21 but also at the instigation of the Lisbon Jew and Amsterdam Rabbi Menasse ben Israel (1604–1657) (Media Link #ae), in England under Oliver Cromwell (1599–1658) (Media Link #af).23 The legal situation improved in these two countries almost at the same time: In Prussia the General Ordinance (Generalreglement) came into force on 17 April 1750 under Friedrich II (1712–1786) (Media Link #ag), which – though under very restrictive preconditions – envisioned a "general privileging" of (wealthy) Jews.24 In England, Parliament adopted the "Naturalization Bill" ("to permit persons professing the Jewish religion to be naturalised by Parliament") in 1753 – entirely in the spirit of the ideas presented by the Irish philosopher John Toland (1670–1722) (Media Link #ah) in his Reasons for Naturalizing the Jews in Great Britain and Ireland of 1714.25 Although it was often cited as a model in the later emancipation discourse, this "Anglo-Saxon type" of Jewish emancipation7 remained without influence on the emancipation legislation of the Continent, especially since the law was only partly followed and did not formally come into effect due to the resistance of the merchants.

The historical process of a "proto-emancipation" was strengthened by another Europe-wide intellectual movement. It became known in the world of Christian scholars as the Enlightenment (Media Link #ai) and in the internal Jewish sphere as the Haskalah (Media Link #aj).26 Its principal concern was to lead Judaism out of the (supposed) intellectual-cultural ghetto situation.19 This was a problem because a reform was hardly conceivable in traditional Jewish understanding: There was no idea of an "innocent, pure past" from which Jews had removed themselves over time and that needed to be restored.20

Against the backdrop of the Enlightenment in the late 18th century, gradually "a discourse friendly to Jews that refuted old prejudices and replaced them with tolerance between humans" developed.27 Where it became effective, the opening of traditional Judaism towards Christian culture in Europe was largely the work of Moses Mendelssohn (1729–1786) (Media Link #ak),23 who, in contact with Gotthold Ephraim Lessing (1729–1781) (Media Link #al)23 and reflecting the thought of Immanuel Kant (1724–1804) (Media Link #an), undertook first steps in reinterpreting the Jewish religion as a rational religion without giving up the old traditions.24 This was reserved for the representatives of the second generation of the Haskalah. The Haskalah reached its climax with Mendelssohn's contemporaries Salomon Maimon (1753–1800) (Media Link #an) and Naphthali Herz (Hartwig) Wessely (1725–1805) (Media Link #ao), who initiated a reform of Jewish education5 for which he sought guidance from the Hebrew Bible but rejected the Halachic26 legal system.27 The thought of the maskilim28 was not able to prevail in Eastern Central Europe, and especially not in Poland and Lithuania, even though an independent Haskalah movement existed there, led by the Mendelssohn confident Rabbi Salomon Dubno (1738–1813) (Media Link #ap) in Vilna.29 Instead, the pious Hassidim (Media Link #aq) movement found a broad following and promoted the ghettoisation of what was later called Eastern Judaism. It became clear at the latest toward the end of the 18th century that the emancipation of the Jews would essentially remain confined to Central and Western Europe. In the autumn of 1772, after the first partition of Poland, Tsarina Catherine II (1729–1796) (Media Link #ar) granted equality with the urban estates to Jews who had just become Russian subjects based on an enlightened-mercantilistic doctrine of the state but this gesture also remained ineffective over the long term.30 When the equality of Russian Jews was finally decreed in 1917, it was not the result of traditional shtetl (Media Link #as) culture opening up. By contrast, in the West, the emancipation of Jews resulted in the collapse of traditional Jewish society.31

The "civil improvement" of Jews

Apart from the particular British development, which was barely noticed on the Continent, the emancipation of the Jews emanated from Central Europe, specifically in the discourse of princely officialdom, which had an interest in involving Jews in Christian-oriented society. Many officials who were involved as official commissioners in the country's Jewish corporations25 became aware of Jewish culture, which was backward by the standards of the age, and attributed their misery to the policy of suppression by Christian authorities. The by far most influential comment on the subject was written by Christian Konrad Wilhelm von Dohn (1751–1820) (Media Link #at), a Prussian official of the War Ministry, who in the years 1781 and 1783 published at the personal suggestion of Moses Mendelssohn a two-part treatise with the title Über die bürgerliche Verbesserung der Juden.33 It lent its name to the discourse among
Christian and Jewish intellectuals with which they strove for a gradual adaptation of Jewish rights to those of the societal majority through education (enlightened-statist concept of Jewish emancipation). The basic assumption was the thesis argued since Mercantilism and amplified by the Enlightenment "dass die Juden ebenso gut wie alle andre Menschen nützliche Glieder der bürgerlichen Gesellschaft seyn können". That Dohm was not altogether able to detach himself from the old traditions – and thus agreed with Mendelssohn – is evident from the following key quote:

Dohm then presented his readers with "ideas, how the Jews could become happier and better members of civil society" in the form of a nine-point programme. For this purpose, he considered educational measures the best suited means for improving the social situation of Jews, which was to follow their legal equalisation while preserving autonomous community rights. Entirely in the spirit of the Physiocratic teachings, he recommended agrarian and "productive" artisanal occupation while turning them away from pawn brokerage. But Christian subjects, too, should be taught from their early youth that "Jews should be considered as their brothers and fellow humans who are attempting to find God’s favour by another route".

Dohm's treatise, along with other contemporary reform pamphlets, sparked a lively discussion among the Enlightenment-inspired officialdom of the German states and at the princely courts on the extent of the special facilities allowed to Jews, including possible organisational changes. Count Mirabeau (1749–1791), who was a French secret agent in Berlin in 1786/1787, saw to it after an encounter with Dohm that his thoughts would also gain a foothold in France. With his text published in 1787, Sur Moses Mendelssohn, sur la réforme politique des Juifs, he took up with reference to the English Naturalization Bill of 1753 the old idea of turning the Jews into useful citizens (citoyens utiles) in order to give them civil rights (les droits de citoyens). Even though the enlightened-statist concept of Jewish emancipation lost influence in France with Mirabeau's death, it nevertheless provided the impetus for the actual emancipation debate.

The Enlightenment discourse of the officialdom in the Austrian hereditary lands under emperor Joseph II (1741–1790) had an immediate effect on the legislation – if one ignores the numerous individual decrees and police ordinances (Policeverordnungen) of the German states. The so-called Tolerance Patents he issued in the years 1781 to 1789, separately for each of Lower Austria, Bohemia, Moravia, Silesia and Hungary, aimed at leading the Jews from their occupational, social and cultural isolation and showing them the way to a better future. Discrimination of clothing and the personal tax (Leibzoll) were to be abolished, admission to the trades permitted, restrictions on residency voided and education in schools adapted to that of Christians. However, restrictions on practising religion remained for the time being and their legal status remained that of Protected Jews (Schutzjudentum). At least, they were permanently tolerated as "foreign kin in religion". Jews welcomed the changes and Herz Wessely recommended to his coreligionists that they abide by them.

The emancipation of Jews during the French Revolution

The French Revolution brought about a turning point in the debate and created new facts. But even in France the path forward was difficult. The process was set in motion by the complaints (cahiers de doléances) of the Jews of Alsace and Lorraine and those of the Trois-Évêchés (the three bishoprics of Metz, Toul and Verdun) who knew the writings of Dohm, Mirabeau, Chrétien-Guillaume de Malesherbe (1721–1794) and Abbé Grégoire (1750–1831). They took the concept of "civil improvement" as the grounds for demanding an end to the existing discrimination. While the country's Catholic clergy rejected any equalization because it amounted to a recognition of the Jewish religion, the Protestant clergy, who felt themselves to be discriminated against, specifically Jean-Paul Rabaut Saint-Étienne (1743–1793), spoke for the legal equality of the Jews. Although the Declaration of Human Rights of 26 August 1789 declared the freedom of practicing religion, Jews remained excluded from this – excepting a few Sephardic Jews in the south of the country (Juifs du Sud-Ouest et Midi), who in any case
enjoyed a much more favourable legal and social status and did not demand autonomy for their communities. The speaker for the Jews of Alsace and Lorraine (Juifs de l’Est), Berr Isaak-Berr (fl. 1744–1828) (Media Link #b1) of Nancy, who was in contact with Mendelssohn, was not able to succeed with his réforme civile while having the continuing autonomy of the communities recognized. Mirabeau’s death in April 1791 deprived him of his most important ally.

The emancipation of the Jews was only achieved in the last session of the National Assembly on 27 September 1791 and only after the preceding demands for communal autonomy had been given up. A famous speech by the Parisian deputy Anne Antoine Jules Clermont-Tonnerre (1749–1830) (Media Link #b2) in December 1789, in which he demanded as the consequence of the Declaration of Human Rights that emancipation could only be given to Jews as individuals but not to Jews as a community, had preceded it. They could form neither a corporation nor a class within the state but were to be individual citizens. Only when the Jews of Alsace and Lorraine waived all previous corporate rights and raised the prospect of a considerable financial redemption, and only after the deputy Michel Louis Étienne Regnaud de Saint-Jean d’Angély (1761–1819) (Media Link #b3) linked the existence of the Revolutionary Constitution to granting Jewish emancipation did the Jews receive the Decree of Emancipation they had desired in vain for so long. This document stated, for example:

[The National Assembly] voids all previously issued decrees with regard to contractual determinations, clauses and exemptions relating to Jews by determining at the same time that the citizen’s oath to be sworn by the Jews will be treated as a rejection of all privileges and special laws formerly granted in their favour.

On 13 November, King Louis XVI (1754–1793) (Media Link #b4) proclaimed the Decree law. A letter to a Berlin merchant of the "Jewish nation" reprinted in the newspaper Vossische Zeitung in 1791 impressively demonstrates the Europe-wide effect of this declaration with which "all Jews of the French realm without exception or restriction, had been granted the rights of active citizens". The Decree even received an eschatological interpretation with a reference to the prophet Zephania. This enthusiasm was expressed in several fraternization celebrations between Jews and Christians.

Scholars have called the concept behind the French decree "liberal-revolutionary" to show that the emancipation of the Jews was granted without prior service and immediately, but only within the context of the idea of a general citizenry of liberal character. However, Hanns Reißner (1902–1977) (Media Link #b5) in a paper barely noticed in historical scholarship saw that social issues of integration were by no means solved in this way. The Declaration of Emancipation of 1791 supposedly was "a gesture that does them [the deputies of the National Assembly] credit as human beings but was politically insufficient because the social question to be solved in Alsace was barely addressed". Therefore, the Decree of Emancipation was no more than an offer of reform, the implementation of which was left to social forces. The National Assembly did not approve and, because of its ideology geared toward the individual citizen, could not approve recognizing Jews as a social group with its own identity. At the latest, the Napoleonic decrees of 17 March 1808 (among them the notorious Décret infâme), with which the freedom of movement and freedom of trade of Jews was cancelled, showed that the emancipation of Jews during the French Revolution had failed. Nevertheless, this idea, once born, radiated strongly in the territories of the perishing Holy Roman Empire. The Decree of Emancipation of 1791 set a historical process in motion through which Europe’s Jews gradually escaped "their legal, ritual and social isolation" and, while losing their autonomy, received "an improved legal status and growing moral legitimacy".

Emancipation efforts to the Congress of Vienna

French revolutionary armies carried the ideas of Jewish emancipation of a revolutionary-liberal character into the states of the Rhenian Federation. Gradually, most Central European states received emancipation laws that were based with varying degrees of faithfulness on the French model. Already in 1795, the newly created Batavian Republic (The Netherlands) received civil rights for its Jews, while voiding the special rights applicable to the local Sephardim, and had them confirmed by its National Assembly in 1796. Under King Louis Bonaparte (1778–1846) (Media Link #b6), the situation of Jews in the newly elevated kingdom improved with the laws of 1808/1809. Thus, the so-called Jewish oath (more judaico) (Media Link #b7), which Jews had to take in legal disputes with non-Jews in an often discriminating form, was abolished. When in 1813 King William I of Orange (1772–1843) (Media Link #b8) gained power, he confirmed the civil rights of the Jews. Even more significant was the Decree of Emancipation granted by Jérôme Bonaparte (1784–
1860) to the Jews of the Kingdom of Westphalia on 27 January 1808, according to which all "our subjects devoted to the Religion of Moses, ... [shall] enjoy in our states the same rights and freedoms as our other subjects" while at the same time cancelling all special renders "no matter at what occasion they were introduced and under what name they may be present". The "Ordinance of Berg" of 22 July 1808 and later decrees granted Jewish subjects of the Grand Duchy of Berg, ruled by Joachim Murat (1767–1815) (Media Link #ba), extensive civil rights. All these emancipation laws deviated from the French model by again allowing corporate rights that bound Jewish communities into a new consistorial constitution of Napoleonic character. Finally, after the military victories of Napoleon Bonaparte (1769–1821) (Media Link #bb), the Constitution of the Duchy of Warsaw of 22 July 1807 included the equalization of Polish Jews – though it only lasted for a brief period.

Other important emancipation laws in the area of the Rhenian Federation were issued on 13 January 1809 by the Grand Duchy of Baden and on 28 December 1811 – against a financial redemption – by the Grand Duchy of Frankfurt, though only the latter was guided by the liberal-revolutionary French example. However, the most significant was the emancipation law of 11 March 1812 in the Kingdom of Prussia, conceived by state chancellor Karl August von Hardenberg (1750–1822) (Media Link #bc) and based on the liberal ideas of Wilhelm von Humboldt (1767–1835) (Media Link #bd), because it was effective beyond the Napoleonic period. Jews living at that time in Prussian territory were subjected as citizens to the Prussian Civil Code (Allgemeines Preußisches Landrecht) though not yet admitted to offices of state. A law – though never proclaimed – was to make new regulations in this regard. This law, despite continuing humiliating exemption clauses, directly took up Dohm's proposals for reform and marked a turning point in the history of German Jews, who correctly received it with enthusiasm.

Other important emancipation laws of the Napoleonic period were issued on 22 February 1813 by the Grand Duchy of Mecklenburg-Schwerin, on 10 June 1813 by the Kingdom of Bavaria, on 29 March 1814 by the Kingdom of Denmark and as late as 28 February 1815 by the Principality of Schwarzburg-Sondershausen. They were all distinguished by following the ideas of the French emancipation of Jews in time but returning to the German model of "civil improvement" and, thus, the enlightened-statist concept.

Setbacks and advances in the Reactionary Period

Already in the Napoleonic period, there were signs of a "return of repressed attitudes" as the ideas of the French Revolution spread by Napoleon's troops were received with growing reluctance after the defeat of the European powers by the Emperor in 1806. The assembly of princes at the Congress of Vienna in 1814/1815, which was guided by the idea of restoring the old order, was not able to reverse all progress in the equalization of Europe's Jews but the victory over Napoleon led to a change of tide in the world of European states. Dohm's "concept of merit", which only sought to grant Jews emancipation after they had provided advance service, was revalidated. However, it cannot be overlooked that many small Jewish communities persisted in a tradition of solidarity and, consequently, lacked interest in opening up to Christian society. The intention of Wilhelm von Humboldt to commit the Congress to emancipating Jews according to the Prussian model failed because the opposing forces were too strong. Even the minimal demand of fixing the status quo in writing, as envisioned by a preparatory committee for developing the federal constitution, failed. In the proposal developed by the delegates of Prussia and Austria, according to which "adherents of the [Jewish] faith... will receive the same rights as already granted in individual states of the Federation" (§ 16), the formulation "in individual states of the Federation" was replaced by the words "by individual states of the Federation" through the intervention of the senator of Bremen Johann Smidt (1773–1857) (Media Link #be). Since the French state, and not the German states, had emancipated the Jews, this resulted in all emancipation decrees inspired by the French Revolution being considered obsolete. Even a few regulations granting Jews limited civil rights that were uninfluenced by it, as in the Grand Duchy of Mecklenburg, were repealed or interpreted in a restrictive manner by differentiating between a (granted) state citizenship and a (refused) communal citizenship as, for example, in the Edict of Baden in 1809. Prussia not only refused Jews access to state service, as still envisioned in 1812, but the edict's validity was confined to the old provinces, with the consequence that in the newly acquired territories citizenship was completely denied to Jews or – as after 1833 in the province of Posen – granted as a right to be given upon individual application. Only the law passed on 23 July 1847 by the United Diet (Vereinigter Landtag) "über die Verhältnisse der Juden" recognized (with the exception of the Province of Posen) equal rights for all Prussian Jews according to the Edict of 1812. However, it explicitly excluded Jews from performing sovereign duties. The Décret Infâme of 17 March 1808, which still applied in Prussian territories on the left bank of the Rhine, was finally repealed.
Other states of the German Federation, among them the Grand Duchy of Hesse, made the same distinction Prussia did: The constitution of 17 December 1820 only envisioned granting citizenship to individuals, though the municipal regulation of 9 July 1821 at least permitted municipal citizenship (Ortsbürgerrecht).99 This system of "citizenship on application" (Bürgerrecht auf Antrag) in its various manifestations became the prevailing principle among the states of the German Federation.97 The Electorate of Hesse occupied a special position. The Ordinance of 14 May 1816 granted Jews civil rights on application (next to which the old protected Jewry remained),98 but with the Law of 29 October 1839 they essentially enjoyed the same rights as the Christian subjects – though excepting rights based on religion and excluding "peddlers" (Nothändler, door-to-door salesmen).99 The kingdom of Bavaria upheld the status quo of its Jewish edict of 1813 and also introduced it in its newly acquired territories, the Grand Duchy of Würzburg and the Principality of Aschaffenburg, with the Law of 5 December 1816.100 Jews in the Kingdom of Hanover received civil rights in 1842.101

The situation was not much different in the European states outside the German Federation. A petition presented in April 1830 for introducing citizenship rights for English Jews intended to grant them the same emancipation given to Catholics in 1829 but was rejected by the British Parliament.102 After the retreat of the French, the old order was for most part restored in the Italian territories. This applied particularly to territories that had become Austrian, specifically Venetia and Lombardy, but especially to the Papal State, in which Pope Leo XII (1760–1829) (Media Link #bf) ghettoized Jews again and subjected them to the jurisdiction of the Inquisition.103 Only the Duchy of Parma and the Grand Duchy of Tuscany stayed the course with the emancipation laws of the Napoleonic period.104 In France itself, at least the discriminating oath more judaico was abolished in court proceedings in 1846, on application by the later justice minister Adolphe Crémieux (1796–1880) (Media Link #bg),105 after the Kingdom of Denmark led the way in 1843.106 In Russia under Tsar Nicolas I (1796–1855) (Media Link #bh) grave repressive measures were implemented, among which the Cantonist Decree107 with their obvious intention of forcibly converting all Jews were the most intrusive.108

Against the background of the conservative idea of a "Christian State", theoretically founded especially by the baptized Jew Friedrich Julius Stahl (1802–1861) (Media Link #bl),109 the discourse on the equality of Jews went on the defensive. It is to the credit of individuals such as the Hamburg publisher Gabriel Riesser (1806–1863) (Media Link #b) that the "Jewish question" remained active and a gradual shift in awareness in favour of Jewish emancipation came about.110 In Russia it was Rabbi Dr. Max Lilienthal (1815–1882) (Media Link #bk) of Munich, who on behalf of the open-minded Minister for Popular Enlightenment, Count Sergey Uvarov (1786–1855) (Media Link #bl), achieved an improvement of the education system for Jews in the 1840s and was able to implement numerous individual reforms until his dismissal in 1845.111

The Revolution of 1848 and its consequences

The actual impetus for the definitive emancipation of Jews in the sense of the ideas of the French Revolution was brought about across Europe by the Revolution of 1848 – despite the fact that the constitutional reform associated with it initially failed.112 Gabriel Riesser, the liberal Hamburg delegate to the Frankfurt National Assembly, lit the spark for a constitutional emancipation of Jews with his famous speech of 29 August 1848.113 His argument that the demand for general freedom and equality must necessarily include Jews, whose religion was to be considered a private matter, convinced the majority of delegates. In December of that year, the "Fundamental Rights of the German People" were adopted, of which § 16 determined:

> Durch das religiöse Bekenntnis wird der Genuß der bürgerlichen und staatsbürgerlichen Rechte weder bedingt noch beschränkt. Den staatsbürgerlichen Pflichten darf dasselbe keinen Abbruch tun.114

Thus, Jews had been allowed a legal claim to an equal stake in all rights due to Christians, which was equivalent to comprehensive legal emancipation. Immediately after the definitive constitution proclaimed in March 1849 in St. Paul's Church in Frankfurt and in the context of a sustained revolutionary mood, a total of 20 states of the German Federation passed similar equalization laws. These were the three Anhalt states as well as Brunswick, Bremen, Frankfurt am Main, Hamburg, Hanover, Hesse-Darmstadt, Hesse-Homburg, Holstein, the Electorate of Hesse,115 Schaumburg-Lippe, Lübeck, Mecklenburg-Schwerin, Nassau,116 Oldenburg, Prussia, Waldeck-Pyrmont and Württemberg. There were minor restrictions in the other states of the Federation, such as the limitation of citizenship...
rights to "Inlanders" in Schwarzburg-Sondershausen and Saxony or the restriction on municipal citizenship rights, as in Baden. Only Bavaria and Lippe-Detmold did not follow this trend. Thus, there was the justified hope that the emancipation of Jews would soon be completed.

With the revival of the Federal Diet in 1850 by Austria-Hungary, there were new setbacks and in many places the laws passed in 1848/1849 were annulled. The Electorate of Hesse may serve as an example: Its constitution of 1852 annulled the law on religious freedom passed in October 1848 and determined instead:

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Der Genuß der bürgerlichen und staatsbürgerlichen Rechte ist von dem christlichen Glaubensbekenntnis abhängig, vorbehaltlich derjenigen Ausnahmen, welche durch besondere Gesetze bestimmt sind.
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This restriction was supplemented by reintroducing the discrimination against "peddlers", which had been decreed in 1833.

The other states of the German Federation also reintroduced discriminating barriers. Of the 26 states that during the March Revolution of 1848 worked on or completed emancipation legislation, only five were willing to retain them fully: Lübeck, Brunswick, Nassau, Oldenburg and Hesse-Homburg. Schwarzburg-Sondershausen, the Kingdom of Saxony and the Grand Duchy of Saxony-Weimar at least retained equality limited to domestic Jews. Hamburg, Hesse-Darmstadt and Baden delayed the emancipation of Jews for the time being. The new constitution of 12 April 1852 pushed through by the conservative minister of state Ludwig Hassenpflug (1794–1862) made the Christian faith a precondition for equality. This also applied to Austria-Hungary, where the Imperial Decree of October 1853 revoked equalization "bis zur definitiven Regelung der staatsbürgerlichen Verhältnisse der israelitischen Bevölkerung". However, the greater number of Jews living within the German Federation (in Prussia, Electorate Hesse, Hanover, Württemberg, Holstein, Schaumburg-Lippe, Waldeck-Pyrmont and Mecklenburg) lost any claim to equality.

Over the long run, a policy of legal exclusion that made Jews second-class citizens or even protected subjects with diminished rights could not be continued. A spark to light the flame was a law that cancelled existing discrimination in 1858 after long Parliamentary debates and sustained resistance in the British Upper House. Jewish delegates were no longer to be forced to take a Christian oath to be able to take their seat in the Lower House. In the territories of the German Federation, the city states Hamburg and Frankfurt am Main took the first step in 1859 and 1864 by cancelling the emancipation-restricting articles. Furthermore, the discriminatory Jewish Oath was abolished, as in 1861 in the Duchy of Nassau. The Grand Duchy of Baden granted the complete emancipation of Jews in 1862 with a "Gesetz über die bürgerliche Gleichstellung der Israeliten". Emancipation laws had been passed in almost all German states by the middle of the 1860s. Even the Kingdom of Bavaria in 1861, in association with lifting the trade restrictions on Jews and a reform of the old matriculation system (limits on admission), announced further reforms that raised hopes of complete emancipation.

It was due to the tireless public work of the Berlin publisher Ludwig Philippson (1811–1889) but also the new balance of political power in the German Federation after the defeat of Austria-Hungary during the Austro-Prussian War that in the newly founded North German Federation comprehensive Jewish emancipation was granted. After long parliamentary negotiations, the Prussian minister president Otto Graf von Bismarck (1815–1898), the later Imperial chancellor, agreed to a legal initiative to this effect since he hoped to win over the liberal delegates with a minor concession. The "Law concerning the equality of the denominations with regard to civil and citizenship rights" (Gesetz betreffend die Gleichberechtigung der Konfessionen in bürgerlicher und staatsbürgerlicher Beziehung) of 3 July 1869 included the following words:

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Wir Wilhelm ... König von Preußen, verordnen im Namen des Norddeutschen Bundes ... was folgt: Alle noch bestehenden, aus der Verschiedenheit des religiösen Bekenntnisses hergeleiteten Beschränkungen der bürgerlichen und staatsbürgerlichen Rechte werden hierdurch aufgehoben. Insbesondere soll die Befähigung zur Teilnahme an der Gemeinde- und Landesvertretung und zur Bekleidung öffentlicher Ämter vom religiösen Bekenntniss unabhängig sein.
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On 22 April 1871 this law was introduced in the entire territory of the new German empire and, thus, even in the Kingdom of Bavaria, which as the only state of the Federation had not yet introduced a law of this kind.\textsuperscript{130}

The process of emancipation was also completed in the other states of Central and Western Europe during the sixties and seventies of the 19th century. Legal equality was established in the Austro-Hungarian Empire with the new constitution of 1867. In Italy, the emancipation process was also associated with the new constitution of the unified state. Starting in 1859, the emancipation of Jews was extended in steps in the Kingdom of Piemont-Sardinia, equality was also achieved in unified Italy starting in 1861 and in 1866 in the new Italian Province of Venetia.\textsuperscript{131} In 1871 the equality of Jews was introduced in the territory of the Papal State, which had then become Italian.\textsuperscript{132} Switzerland, as the last Central European state, followed with its Federal Constitution of 1874. This must only be qualified by the fact that the Federal Council (Bundesrat) needed to enforce equality in the cantons up to 1879 to validate the constitution.\textsuperscript{133} The Kingdoms of Norway and Sweden, which were united in personal union, as the only Central and North European countries, did not have a one-time emancipation decree because the Jews in these two countries had been granted individual civil rights in stages since 1782. Starting from 1891, state offices were also open to them, with which the development of Jewish emancipation had been completed in these countries.\textsuperscript{134} In France, no further legal steps were required for the equality of Jews because Napoleon's restrictive edicts of 17 March 1808 had already been abolished with the end of his rule.\textsuperscript{135}

The problems in Tsarist Russia were far greater but change came about during the "spring days" under Tsar Alexander II (1818–1881) (\textendash Media Link \#bq), a known liberal who ascended in 1855.\textsuperscript{136} He instituted a commission immediately at the start of his reign with the objective of "... sämtliche in Bezug auf die Juden bestehenden Bestimmungen [zu überprüfen], um sie dem allgemeinen Zweck anzupassen, dieses Volk in die angestammte Bevölkerung einzugliedern, soweit der sittliche Zustand der Juden dies erlaubt". The result of these efforts was the cancellation of the discriminating Cantonist Decrees of 1856. Jews were then successively admitted to public offices and granted for the most part freedom of religion and freedom of trade. In Congress Poland, which then belonged to Russia, Jews received further rights in 1862, such as the right to acquire property and to reside in towns. However, these rights became obsolete again after the Polish uprising of 1863.\textsuperscript{137} The murder of the "Tsar Liberator" Alexander in 1881 abruptly ended this liberal era: The subsequent anti-Semitic pogroms resulted in a discontinuation of emancipation efforts for the time being and, simultaneously, the genesis of Zionism (\textendash Media Link \#br), which has cast a long shadow.

The completion of this development on a pan-European level was the treaty designed by Bismarck at the Berlin Congress of 1878. The representatives of the great European powers had gathered in Berlin at the invitation of the German imperial chancellor to discuss the situation after the Russo-Turkish War. Representatives of the Jewish communities of Romania, who had come under pressure from the openly anti-Jewish policy of their government, turned to the Congress with the plea to force the Romanian government to be tolerant toward Jews. Article 44 of the Treaty was formulated following up on a French suggestion, to make the diplomatic recognition of the three new Balkan states of Bulgaria, Serbia and Romania dependent on a special declaration of the equality of Jews:

\begin{quote}
Die Verschiedenheit der Religionen und Bekenntnisse darf nirgends und niemand gegenüber als ein Grund der Ausschließung und Unfähigkeit geltend gemacht werden in allen denjenigen Fällen, in denen es sich um den Genuß von bürgerlichen und staatsbürgerlichen Rechten, um die Zulassung zu öffentlichen Ämtern und Ehrenstellen und um die Ausübung der verschiedenen Handwerke und Gewerbe handelt.\textsuperscript{138}
\end{quote}

Thus, the concept of emancipation was for the first time included in a treaty binding under international law at the European level. The equality of Jews with the Christian citizens of the European states thus became the rule after the model of the German imperial constitution. Merely the Tsarist empire of Russia did not live up to the resulting obligations in this time period.

Although Jews were able to achieve legal equality during the seventies and eighties of the 19th century in almost all Christian European states\textsuperscript{139} in which they lived,\textsuperscript{140} social emancipation and, thus, their integration into the respective national populations had by no means occurred.\textsuperscript{141} It is one of the contradictions of emancipation history that the liberal-revolutionary model of individual equality of the revolutionary law of 1791, which went furthest, had the least chance of implementation because it did not account for the social sensitivities of Jews or Christians and disregarded the need for solidarising community. By contrast, the enlightened-statist model,
which assumed the objective of the "civil improvement of Jews" and only granted equality successively and after the acquisition of merit, dominated discourse and legislation outside of France. That the French model nevertheless prevailed in the liberal model of the Constitution of St. Paul's Church, the Imperial Constitution of 1871 and, finally, the Congress of Berlin in 1878 owed a great deal in the end to the political experience collected over almost a century. Modern anti-Semitism (Media Link #bs) picked up precisely where the emancipation of the Jews had been granted completely and without conditions – this does not come as a surprise against the background of the controversies in the 19th century over the extent of Jewish emancipation.143

Friedrich Battenberg (Media Link #bt)

Appendix

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Notes

1. ^ The genesis of modern anti-Semitism and its precursor, early anti-Semitism in the 19th century are closely associated with the historical process of Jewish emancipation. Discussing this 'dark side of Jewish emancipation' was not possible in this article for heuristic reasons. In the same manner, the conservative theory of the "Christian state", which stalled progress in Jewish emancipation for a long time, could not be discussed here either. I wish to expressly thank Dr. Saskia Rohde (Hamburg) for her valuable comments.


3. ^ "What is ... this great task of our age? It is Emancipation. Not merely of the Irish, Greeks, Frankfurt Jews, West Indians, Blacks and other downtrodden peoples, but the emancipation of the whole world, outside of Europe, that has matured and now breaks away from the iron shackles of aristocratic privilege" (transl. by M. Osmann). Grass, Emancipation 1975, p. 167.


5. ^ In this regard, see Lässig, Jüdische Wege 2004, pp. 15ff.


10. ^ This differed from the situation in Poland-Lithuania, where the integration of Jews as leaseholders in the structures of the agrarian estate economy was normal, Bartal, Geschichte der Juden 2010, pp. 25f.


22. ^ Altmann, Moses Mendelssohn 1973; Schoeps, Moses Mendelssohn 1979; Borel, Moses Mendelssohn 2007; Feiner, Moses Mendelssohn 2009; Sorkin, Moses Mendelssohn 1966; on Mendelssohn's influence on Christian society, see the contributions in: Schoeps / Grözinger / Mattenklott, Moses Mendelssohn 2006. Most authors start the history of Jewish emancipation with Mendelssohn, even though they may occasionally reach further back. See: Botstein, Emanzipation 1991; Borchsenius, The Chains Are Broken 1964, offers a readable history of the entire emancipation, which starts with Moses Mendelssohn and ends with the Zionist movement as consequence of the failed emancipation.


24. Regarding the changes in Jewish self-understanding due to the Enlightenment, see the collection of essays by Herzig / Horch / Jüte, Judentum und Aufklärung 2002.


26. "Halacha" is the term for the moral and religious commands and prohibitions of Jewish tradition.


28. ^ Term for the proponents of the Haskalah.


32. ^ The Landjüdenchaften were cooperations with the objective of autonomously administering Jewish affairs. For the vast majority of the Jewish community in Germany, they were the relevant form of organisation from the 16th century to emancipation.


35. ^ "The Jews like all other human beings can be useful members of civil society" (transl. by M. Osmann). Dohm, Über die bürgerliche Verbesserung 1973, p. 45.

36. "The oppression under which they [the Jews] have lived so far is at fault for their not having achieved more in the sciences and arts. ... The moral character of Jews is such, as that of all other human beings, that it is capable of the most perfect development as well as the most unfortunate degeneration, and the effect of the external situation ... is all too evident in this regard. If one concedes that Jews are decayed in mores in a certain respect, it must also be clear to the non-partisan observer that they distinguish themselves favourably through other advantages" (transl. by M. Osmann). Idem, p. 92.


41. ^ Typical for this are the reform ordinances of the Elector of Mainz of 1783/1784 and the Hessian Landgrave Ludwig IX (1719–1790) of 1785: Böhn, Zur rechtlichen Situation 1982, pp. 55–63 and Battenberg, Judenverordnungen 1987, pp. 274–280. In an ordinance of the County of Erbach of 1790, the relief just granted to Jews was limited again: Battenberg, Die verzögerte Emanzipation 1991.


77. Freund, Die Emanzipation 11912, pp. 451ff.
78. The following does not contain a complete list but only names the most important. In numerous other states, individual decrees were proclaimed that came close to emancipating Jews but did not state it, as in the Principalities of Anhalt-Bernburg and Anhalt-Köthen in 1810 and 1812. Toury, Soziale und politische Geschichte 1977, pp. 279f. Cancellations of the personal tax, which were decreed in many places, constituted a preliminary stage, as in 1801 in Nassau-Orange, 1803 in the Duchy of Brunswick, 1804 in the Electorate of Mainz and Wied-Runkel, in 1805 in in Hesse-Darmstadt, and in 1806 in Nassau-Usingen and Nassau-Weilburg – liberation from personal tax, which Gabriel Riesser celebrated as emancipatory steps: Haberkorn, Der lange Weg 2004, pp. 8f.; Herzig, Gabriel Riesser 2008, pp. 17f.; Post, Judentoleranz 1985, pp. 446ff.; Kropat, Die Emanzipation der Juden 1983, p. 327; Battenberg, Judenverordnungen 1987, p. 307.
81. Text in idem, pp. 445ff.
86. Heyen, Aufklärung 1974, pp. 5f.
94. Brammer, Judenpolitik 1987, pp. 368ff. (on the preceding debates, idem, pp. 338ff.).
103. Pope Pius IX (1792–1878) briefly lifted ghettoization in 1848 but re-established the Jewish ghetto and reintroduced the old legal restrictions after putting down the uprising, Guetta / Luzzati / Weinstein, Italien 2001, pp. 359ff.
107. The Cantonist decrees regulated the military service of Jews. They provided that Jews under the age of majority were housed in special institutions to be prepared for military service. Even children of the age of eight to twelve years were taken from their parents to Siberia to perform their service requirement. Jewish children were to be "improved", "Russified" and prepared for baptism in this way. See Battenberg, Das Europäische Zeitalter 2000, pp. 132f.
In the Electorate of Hesse, the emancipation of Jews was already granted without restrictions on 29 October 1848 by the Elector Friedrich Wilhelm I (1802–1875): "Die Ausübung aller bürgerlichen und staatsbürgerlichen Rechte, insbesondere die Bekleidung von Staats- und Gemeindeämtern, ist von dem Glaubensbekenntnis unabhängig" ("Exercising any and all civil and citizenship rights, especially holding state and municipal offices, is independent of the religious faith" [transl. by M. Osmann]). Even "peddlers" were granted "insbesondere die Fähigkeit zu öffentlichen Ämtern und zum Erwerb des Ortsbürgerrechtes sowie die Wahlfähigkeit und Wählbarkeit in Hinsicht auf die Landtage" ("especially the ability to hold public offices and acquire municipal citizenship and be able to elect and be elected to the state diet" [transl. by M. Osmann]). Schimpf, Emanzipation 1994, pp. 21ff.

In Nassau the distinction between citizens of the state and citizens of the municipalities was explicitly cancelled, Law of 12 December 1848, Haberkorn, Der lange Weg 2004, pp. 131f.

"The enjoyment of the civil and citizenship rights depends on adherence to the Christian faith, reserving those exceptions that are determined by special laws" (transl. by M. Osmann). Kropat, Die Emanzipation der Juden 1983, p. 341.


§ 20 of the Constitution; text see above, note 116; Schimpf, Emanzipation 1994, p. 22.


Battenberg, Das Europäische Zeitalter 2000, pp. 139f.


Haberkorn, Der lange Weg 2004, pp. 136–140.

"law on the equality of the Israelites as citizens" (transl. by M. Osmann). Rürup, Emanzipation 1987, pp. 70ff.


"Law concerning the equality of the denominations with regard to civil and citizenship rights" "We, Wilhelm ... King of Prussia, decree in the name of the North German Federation... as follows: All still existing limitations to civil and citizenship rights derived from differences in faith are hereby abolished. Particularly, the ability to participate in communal and state representation and holding public offices will be independent of religious faith" (transl. by M. Osmann). Reproduced in Battenberg, Das Europäische Zeitalter 2000, p. 146, according to the Federal Law Gazette (Bundesgesetzblatt) of 1869, p. 292.

Idem, according to the Imperial Law Gazette (Reichsgesetzblatt) of 1871, pp. 87f.


Kaufmann, Schweiz 2001, p. 94.


"[examining] all regulations existing with respect to Jews to adapt them for the purpose of integrating this people into the native population, to the extent that the customs of the Jews permit this" (transl. by M. Osmann). Bartal, Geschichte der Juden 2010, pp. 113ff.

Idem, pp. 97f.

"Differences in religion and confession must nowhere and against nobody be used as a reason for exclusion and incapacitation in any cases that deal with the enjoyment of civil rights and citizenship, admission to public office and honorary positions and the exercise of trades and occupations" (transl. by M. Osmann). Full text in Battenberg, Das Europäische Zeitalter 2000, p. 151; on the Treaty of Berlin idem, pp. 151f.

There were no comparable emancipation movements in the Ottoman Empire, so there was no need to include it in this discussion.

Officially, no Jews had been living on the Iberian Peninsula, that is, in Spain and Portugal since the expulsions of the late 15th century.

The problems of the "embourgeoisement" of Jews and, therefore, of social integration are described in detail by: Lässig, Jüdische Wege 2004, pp. 243 ff.

See in this regard the essay by Botstein, Emanzipation 1991.
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**Link #b1**

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