CHRISTIAN WILHELM VON DOHM
Concerning the Amelioration of the Civil Status of the Jews (1781)

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. . . .

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 banished 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 king 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 towards each other and as the cultural level, the influence of philosophy and the sciences strengthen or weaken the impact of religious convictions. If therefore every religion severs the bond between man and man and makes men withdraw 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 fraud 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).
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 danish 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 sophistc sayings of his Rabbi.

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 unfortunates, 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 hate 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 un-
able 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 devote, 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 abstention 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 clannish; 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 he experiences are bound to degrade 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 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 bet-
ter men and useful citizens. With the elim-
ation of the unjust and unpatriotic treat-
ment 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 convic-
tion that general proposals should always be
tailored, if they should be useful to the spe-
cial 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 sub-
jects. Since they are able to fulfill the duties
they should be allowed to claim the equal
impartial love and care of the state. No hu-
miliating 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 fair-
ness, not have a monopoly on any occupa-
tion 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 inter-
est. If it will be prohibited to private citizens
to lend money on pawns, or do so only un-
der 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 detri-
mental 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 govern-
ment would first try to dissuade the Jews
from the occupation of commerce, and en-
deavor to weaken its influence by encourag-
ing them to prefer such kinds of earning a
living as are the most apt to create a diamet-
rically opposed spirit and character—I mean
artisan occupations. . . .

The Jews should not be excluded from ag-
riculture. 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 re-
spect to the improvement of the nation, be-
cause, as remarked above, it is too similar to
commerce, it nourishes the spirit of specula-
tion and profit-seeking. I do not wish to see
the Jews encouraged to become owners of
big estates or tenants (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 agri-
cultural 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 num-er of Jewish farmhands.

From several sides the proposal has been
made that the Jews should be allotted sepa-
rate districts for settlement and be kept iso-
lated there from the rest of the subjects. In
my opinion it would not be advisable to
make the religious difference more notice-
able 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 *Judenengasse* (Jew street in Frankfurt street in Frankfurt) 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 *Judenengasse* 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 state 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 should 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 creator, and that his heart is warmed by the principles of order honestly, 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 fabric 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 do 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 argumments from them by famous Jewish scholars are held in the same regards 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 litigants 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 Beireuth, 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 services 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 not be quite hard to destroy. . . .

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.

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NOTE

1. Christian Wilhelm von Dohn (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 registrar of the secret archives and as councillor in the Department of Foreign Affairs. The title of Dohn's essay may also be translated as "On the Civil Improvement of the Jews." This translation underscores Dohn's argument that an amelioration of the Jews' civil status would bring about the "desired" improvement in their public morality. Dohn's plea for admitting the Jews to citizenship, which he wrote at the behest of Mendelssohn, coincided with the reform 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.