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## FREDERICK II

### The Charter Decead for the Jews of Prussia (April 17, 1750)<sup>1</sup>

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Revised General-Patent and Regulations of April 17, 1750 for Jewry of the Kingdom of Prussia, Electoral and Mark Brandenburg, the Duchies and Principalities of Magdeburg, Cleves, Farther-Pomerania, Krossen, Halberstadt, Minden, Camin, Moers, as well as the Counties and Territories of Mark, Ravensburg, Hohenstein, Tecklenburg, Lingen, Lauenburg, and Buetau—Explanation of the Causes for the further Regulation of Jewry: We, Frederick, by God's grace, King of Prussia, Margrave of Brandenburg, Chancellor and Electoral Prince of the Holy Roman Empire, sovereign and supreme Duke of Silesia, etc., etc., etc.

Make known and order to be made known: We have noticed in our kingdom of Prussia. . . and particularly also in this capital [Berlin] various faults and abuses among the licensed and tolerated Jews, and have particularly observed that the rampant increase of these abuses has caused enormous damage and hardship, not only to the public, particularly to the Christian inhabitants

and merchants, but also to Jewry itself. For this reason and because of the surreptitious entry of unlicensed Jews—foreigners [non-Prussian] and those who are all but without any country—many complaints and difficulties have arisen.

We, however, out of a feeling of most gracious paternal provision wish to establish and maintain, as far as possible, the livelihood and trades of each and every loyal subject under our protection, Christians as well as Jews, in a continually good and flourishing state.

For this reason we have found it necessary to make such provision that this, our most gracious purpose, may be attained, so that a proportion may be maintained between Christian and Jewish business opportunities and trades, and especially that neither [Jew or Christian] may be injured through a prohibited expansion of Jewish business activity. For this purpose we have again made an exact investigation of the condition, in our kingdom and in the other above mentioned

Source: Jacob R. Marcus, ed. and trans., *The Jew in the Medieval World* (New York: Harper Torchbooks, 1965), pp. 84–97. Reprinted by permission of Dr. Jacob R. Marcus.

imperial lands, of all Jewry, of their families, their means of subsistence, and their business activity. We have considered certain feasible proposals which have as their basis justice, fairness, and common safety, and have also deemed them useful for the attainment of our ultimate object and the attendant welfare of all inhabitants of the country who live by means of business activity. As a result of these proposals we wish to prepare and to put into effect a special regulation and constitution for all Jewry. Therefore we establish, regulate, and order, herewith and by virtue of this, that. . .

I. No other Jews are to be tolerated except those named in the lists that are attached to the end of these regulations.

II. List of the tolerated communal Jewish officials in Berlin: The following list of communal officials for the capital here in Berlin has been fixed:

1. One rabbi or a vice-rabbi.
2. Four assistant-judges.
3. A chief and assistant cantor with his basses and his sopranos. These latter must not be married.
4. Four criers, one of whom must report daily to the police office the arrival of foreign Jews. [These criers, or "knockers," used to call people to services at dawn by "knocking" on their doors.]
5. Two employees in the synagogal-school.
6. Six grave diggers who also do other work for the Jewish community.
7. One cemetery guard.
8. Three slaughterers.
9. Three butchers.
10. One secretary of the meat-market and his supervisor.
11. Three bakers and one restaurant-keeper.
12. A communal scribe.
13. Two doorkeepers and one assistant. [The doorkeepers at the city gates examined the papers of immigrant Jews.]
14. Two hospital attendants.
15. One physician.

16. One male and one female bath attendant.

17. A fattener of fowl and cattle.

18. Eight attendants for the sick.

19. Two Hebrew printers.

20. Two teachers for girls. Both must be married. . . .

V. Principles that are to be observed in the settlement of Jews. The following principles respecting the settlement of Jews shall be established and observed in the future. . . .

A distinction is to be made between Regular Protected-Jews and Special Protected-Jews who are merely tolerated during their life time.<sup>2</sup> . . .

Only those are to be considered Regular Protected-Jews who have the right to settle a child. . . .

The above mentioned Special Protected-Jews, however, are not authorized to settle a child [in business] nor are they to marry off a child by virtue of their privilege. . . .

In accordance with our most graciously issued cabinet-order of May 23, 1749, the fixed number of Jewish families at present is not to be exceeded except by our royal command. . . .

The Regular Protected-Jews, however, are allowed by virtue of their Letter of Protection to settle one child, a son or daughter, during their life time, but once they have made their decision they will not be authorized to change it in the future. This child may marry if it can first establish its identity legally. . . .

Foreign [non-Prussian] Jews are not allowed to settle in our lands at all. However, if one should really have a fortune of ten thousand Reichsthaler, and bring the same into the country and furnish authentic evidence of the fact, then we are to be asked about this and concerning the fee he is to pay. . . .

In order that in the future all fraud, cheating, and secret and forbidden increase of the number of families may be more carefully avoided, no Jew shall be allowed to marry, nor will he receive permission to settle, in any manner, nor will he be believed, until a

careful investigation has been made by the War and Domains Offices together with the aid of the Treasury.

Male and female servants and other domestics, however, are not allowed to marry. Should they attempt to do this they are not to be tolerated any longer. . . .

The children of [all] licensed Jews, whose fathers have died or have been impoverished, or are in such a condition that they, the children, have no right of "settlement," or do not possess the required fortune, are to be tolerated, even as are the widows of such people. However, when they come of age, they shall in no wise dare, under penalty of expulsion, to set up a business for themselves but they must either work for other licensed Jews, or go away and seek to be accepted somewhere else. They may, indeed, prepare themselves so that they take the place of Jewish communal officials who leave. Thus it will not be necessary to accept so many foreigners for this purpose. . . .

VII. No Protected-Jew can stay away from home for more than a Year without authorization; otherwise his place will be given to another. . . .

VIII. The Jews must pay their taxes quarterly and all the Jews are responsible as a body for the payment of the taxes. . . .

XI. The Jews must not pursue any manual trade. . . . We herewith establish, regulate, and order earnestly that in the future no Jew shall presume to engage in any manual trade, nor venture upon any except seal-engraving, [art] painting, the grinding of optical glasses, diamonds, and jewels, gold and silver embroidery, fine cloth needlework, the collecting of gold dust by a sieving process, and other similar trades in which vocational associations and privileged guilds are not found. Particularly are they enjoined not to brew beer nor to distill spirits. However, they are allowed to undertake the distilling of spirits for the nobility, government officials, and others, with the understanding that only licensed Jews and their sons are to be taken for this task. . . . However, those Jews who have received or may receive special concessions for the establishment of par-

ticular types of factories or for the sale of goods of Christian manufacturers are to be protected in the future as in the past.

XII. Jews are forbidden the smelting of gold and silver. . . .

XIV. The Jews in Berlin are not allowed to have dealings in raw wool or woollen yarns or to manufacture woollen goods. . . . [They were allowed, however, to sell the domestic finished product.]

XV. Jews are further allowed to sell one another beer and spirits . . . [but] with the exception of kosher wines they are not allowed to do any business in wines. . . . [Jews] must not, however, sell strong drink [to non-Jews.]

XVI. Jews are not allowed to deal in raw cattle-and-horse hides, plain or dyed leathers, and foreign woollen wares except those which are specifically permitted in [paragraph XVIII]. . . . [Cheap raw materials were to be reserved for Prussian manufacturers.]

XVII. Under special conditions they may sell choice groceries and spices to other Jews. . . . The Jews are forbidden to trade in raw tobacco, to manufacture tobacco, and to carry a line of [staple] groceries. . . .

XVIII. Precisely the kind of goods with which the Protected-Jews are allowed to do business: In order that all Jews under our protection may be informed and instructed precisely in the business opportunities and trades allowed them, they are allowed to trade and to do business with the following, namely:

With gold-cloth, silver-cloth, fine fabrics and ribbons, native and foreign embroidered goods, domestic gold and silver laces manufactured in the Berlin Royal Gold and Silver Factory, neck bands of lace, Spanish lace, gold and silver thread and purl; likewise with jewels, broken gold and silver, ingots, all sorts of old pocket-watches, and similar things. Furthermore they are permitted to deal in money-exchange and pledges, money-brokerage, and the buying and selling of houses and estates for other people. They are also permitted to do business in all sorts of Brabant, Dutch, Silesian and

Electoral-Saxonian fine cloth and silk textiles, in laces, muslin, and all-white domestic coarse linings, domestic linens, white linen thread, and tablecloths of linen and half-linen. They are also specially allowed to deal with domestic silk goods, also with foreign and native undyed, dressed leather, and with domestic velvet.<sup>3</sup> They are also allowed to deal in all sorts of all-wool and half-wool goods and cotton goods—by whatever name they may be called—manufactured here in this country, as well as with cotton and chintz goods made in our lands.

Furthermore they are permitted to deal in horses, in undressed calf and sheep hides, feathers, wigs, hair, also camel and horse-hair, tallow, wax, and honey, Polish wares [pelts, potash, hemp, etc.], undressed and unfinished pelts, but not finished furriers' wares in those cities where furriers live, unless they can without hesitation give the name of the furriers from whom they bought the finished product for further sale. [Jews must not compete with the craft-guilds, such as the furriers.] They are also allowed to trade in tea, coffee, chocolate, and foreign and domestic manufactured snuff and smoking tobacco. They are also free to trade, exchange, and do business in all sorts of old clothes, old or used furniture, house and kitchen utensils; to sum up, with everything which is not generally and specifically forbidden in the above paragraphs, even though it is neither specified or mentioned in this special paragraph. But all this is permitted them only in their own homes and in those shops and booths that have been regularly assigned them.

However, with respect to foreign and domestic Jewish trade in our Kingdom of Prussia, the special constitution that has been made there will remain in force, inasmuch as the Polish and Russian business there is still dependent on both Christian and Jewish commerce. . . .

XIX. The Jews must not trade in anything herein forbidden them, under threat of confiscation of their wares. . . . They may not peddle in cities except at the time of the fairs. . . .

XX. No foreign [non-Prussian] Jews and Jewish boys shall do business in Berlin. Outside of exceptional cases herein specified, those who remain over twenty-four hours in Berlin must pay one specie-ducat to the Potsdam Orphan Home. . . .

Now it has been noticed that many Jews and Jewish boys from other cities and provinces that are subject to us have tarried in Berlin, year in and year out, and almost daily, constantly coming and going, and, as it were, relieving one another. Through private and public trading they have done tremendous damage, not only to the entire public, but particularly to the entire Christian and authorized Jewish trade, and have at the same time deceived and duped our treasures through all sorts of fraud and malicious practices. Therefore, we establish, regulate, and order herewith by virtue of this, that except for the local fairs no Jew who does not belong to Berlin—whether he is otherwise licensed or non-licensed within our land—shall be allowed to come into the city with any wares except broken gold and silver. Also no foreign [non-Prussian] Jew, male or female, shall be allowed in except at the time of the fairs. . . .

XXI. All foreign [non-Prussian Jews] who do not arrive with the post-carriage or their own vehicles may enter into and leave Berlin by only two gates. . . .

XXII. What is to be done with Jewish beggars: It has already been decreed many times that Jewish beggars are nowhere to be allowed to cross our borders. We not only repeat this, but order that in the event such Jewish beggars nevertheless reach our capital surreptitiously, they shall be brought at once to the Poor-Jews House at the Prenzlau Gate. There they are to be given alms and on the following day evicted through the gate without being allowed to enter the city. . . .

XXIV. The Jews are allowed to lend out money on proper pledges. Inasmuch as the money-business is a particular source of Jewish support, Jews are therefore allowed to lend money on pledges now as in the past. They must not, however, accept pledges from any non-commissioned officer or sol-

dier, or buy anything where they are not sufficiently assured that this is their lawful property and no part of their soldiers' equipment. And in every case they must demand a note from the company commander with respect to these things. Furthermore, the Jews must be very sure in all pawning and selling that the pledges were not stolen or secretly removed and then pledged, either by young folks from their parents, or by unfaithful servants from their employers. On each occasion, therefore, the pawnbrokers must make enquiries from the parents or the employers.

Furthermore, those Jews, their wives, or employees must not only surrender such pledges to the owner without compensation, but in case that they knew that the pledge was stolen or secretly removed, and shall be legally convicted of this, then, in accordance with the edict of January 15, 1747, the possessors of such pledges shall be regarded just like those who have wittingly purchased stolen goods. Such a pawnbroker shall lose all rights of protection, not only for himself, but also for his children if some of them have already been settled in business, for their Letters of Protection shall be annulled, and he and his family shall be removed from the country. Furthermore, no one else is to be settled in the vacancy created by that family, and, besides this, the transgressor is to be compelled to pay the full worth of the stolen or illegally received things to the lawful owner, who, if necessary, will take an oath as to their value.

If the offender cannot pay this because his Letter of Protection has been cancelled and his family already expelled, then the entire

Jewry of the town is officially to be held responsible for the payment in cash—and without any protest—to the robbed owner of the value of the stolen or illegally received things. For this reason the Jews must watch one another and pay attention carefully when they find any of their people on the wrong road and immediately report such a person to the proper authorities. Jewry, therefore, and particularly the elders are required to anticipate any annoyance and damage by ridding the country of those receivers of stolen goods and the other rascally crew among them whenever they discover them. And when they submit their information they will be given all assistance. . . .

XXXIII. Concerning the observance of the general-patent for the Jews: In order that this general-patent for the Jews shall be contravened as little as possible, the War and Domains Offices of their respective Departments and local commissaries [the tax-councils] shall watch Jewry very carefully in the cities of the provinces and see to it that the said general-patent is everywhere exactly followed. They are particularly to see that the fixed number of families, communal officials, and Jewish-owned homes in every town is not increased, that no one is admitted without our royal concession, and least of all that no unlicensed Jew be tolerated. For this reason nothing is to be undertaken or conceded by the magistrates on their own authority; nor shall any Jew be permitted to live in the rural districts or in open towns where there is no excise office.

So done and given at Berlin, the seventeenth of April 1750.

## NOTES

1. Frederick II (1712–1786), Frederick the Great, king of Prussia (1740–1786). Jacob R. Marcus observes in his *The Jew in the Medieval World* that the charter "is a curious combination of medieval and modern elements. It is modern in the sense that the Jew is thought to be no longer a ward of the

king, but instead a subject of the state—albeit second class. The former Jewish autonomy is broken down and the Jew is brought closer to the state economically, politically, and culturally. The charter is medieval, however, in the sense that it is filled with a spirit of distrust of and contempt for

the Jew, limiting him almost exclusively to commerce and industry" (p. 81).

2. This division of Jews according to their economic value to the state constitutes the unique feature of the charter. In 1763 Moses Mendelssohn became a Special-Protected Jew; despite his fame

he was never able to acquire the status of Regular Protected-Jew (see documents 11 and 12 in this chapter).

3. Moses Mendelssohn was employed by a domestic silk firm.

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## FREDERICK WILLIAM III

### Emancipation in Prussia (March 11, 1812)<sup>1</sup>

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We, Frederick William, by the grace of God, King of Prussia, etc., have resolved to grant the adherents of the Jewish faith in Our monarchy a new constitution suitable to the general welfare, and declare all laws and regulations concerning Jews (issued) hitherto, which are not confirmed by the present Edict as abolished, and decree as follows:

1. Jews and their families domiciled at present in Our States, provided with general privileges, patent letters of naturalization, letters of protection and concessions, are to be considered as natives [*Einlaender*] and as Prussian state citizens.

2. The continuance of this qualification as natives and state citizens conferred upon them shall however be permitted only under the following obligation: that they bear strictly fixed family names, and that they use German or another living language not only in keeping their commercial books but also upon drawing their contracts and declaratory acts, and that they should use no other

than German or Latin characters for their signatures. . . .

4. After having declared and determined his family name, everyone shall receive a certificate from the Provincial Government of his domicile that he is a native and a citizen of the state, which certificate shall be used in the future for himself and his descendants in place of the letter of protection. . . .

7. Jews considered as natives. . . shall enjoy equal civil rights and liberties with Christians, in so far as this Order does not contain anything to the contrary.

8. They may therefore administer academic school teaching and municipal offices for which they qualified themselves.

9. As far as the admission of Jews to other public services and government offices is concerned, We leave to Ourselves its regulation by law in course of time.

10. They are at liberty to settle in the towns as well as in the open country.

Source: Raphael Mahler, ed. and trans., *Jewish Emancipation, A Selection of Documents*, Pamphlet Series, Jews and the Post-War World, no. 1 (New York: American Jewish Committee, 1941), pp. 32-35. Reprinted by permission of the American Jewish Committee.

11. They may acquire real estate of any kind same as the Christian inhabitants and they may carry on any permitted trade, with the provision that they observe the general legal regulations.

12. Freedom of trade ensuing from the right of state citizenship also includes commerce. . . .

14. Native Jews as such must not be burdened with special taxes.

15. They are, however, bound to fulfill all civic duties towards the State and the community of their domicile which Christians are obliged [to carry out] and to bear imposts equal to those of other citizens, with the exception of surplice fees.<sup>2</sup>

16. Native Jews are also subject to military conscription or to the duty of serving in their cantons as well as to all other special regulations in connection therewith. The way and manner in which this obligation shall be applied to them, shall be determined in a more detailed manner by the regulation on military conscription.

17. Native Jews may contract marriages among themselves without a special permit for it, or without having to take out a marriage license in so far as no previous consent or permission to contract a marriage depending on others is at all required under the general rules. . . .

20. The civil legal relations of Jews shall be judged by the same laws which serve as the rule for other Prussian state citizens. . . .

29. With regard to competence of a court and to administration by guardianship con-

nected therewith, likewise no difference between Christians and Jews shall take place. Only in Berlin shall the special competence of a court assigned to Jews remain in force for the time being.

30. Under no conditions are Rabbis or Jewish Elders permitted to assume any court jurisdiction not to institute or direct guardianship proceedings.

31. Foreign Jews are not permitted to take up residence in these States as long as they have not acquired Prussian state citizenship. . . .

36. Foreign Jews may enter the country in transit or for the purpose of carrying on permissible commerce and other business. The Police authorities will be provided with a special instruction concerning the procedure to be observed by them and against them.

37. Concerning the prohibition of peddling in general, Police laws shall remain the same also with respect to Jews.

38. In Koenigsberg, in Prussia, Breslau and Frankfurt on the Oder, foreign Jews may stay for the duration of the fairs with the permission of the authorities.

39. The necessary regulations concerning the church conditions and the improvement in the education of Jews shall be reserved [for later issue], and when these will be considered, men of the Jewish persuasion who enjoy public confidence because of their knowledge and righteousness shall be called in and their judgment consulted.

All Our Government authorities and subjects shall be guided accordingly.

## NOTES

1. The establishment of constitutional governments after the French model in the countries conquered by Napoleon induced those states, e.g., Prussia, which remained free of French rule, to consider liberal reforms. This decree, signed by the Prussian monarch, grants the Jews full civil rights; paragraphs 8 and 9 of the decree, however, were sufficiently vague to exclude Jews from judgeships, the officer corps and administrative

positions. In 1822 an amendment to the decree explicitly repealed paragraph 8. After the fall of Napoleon, this decree was the most liberal legislation concerning the Jews in a German state until the stillborn constitutions of 1848. The states of southern Germany (e.g., Wuerttemberg, Baden and Bavaria) did not grant their Jews full civil rights; noticeably excluded were the rights to full freedom of trade and to free movement and resi-