

## **Panel: Religion and Politics I**

### ***Judaism in modern states in the 19<sup>th</sup> century. Religion as a diminishing factor in France and Prussia***

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The paper deals with the Jewish emancipation<sup>1</sup> and the position of Judaism in the Prussian and the French state. It argues in general that religion was a slowly diminishing factor in the 19<sup>th</sup> century because of the ideas of Enlightenment which found their way into practical politics and because of the process of state modernization which favored secularization.

In the 18<sup>th</sup> century Mendelssohn had the idea of Judaism as a religion consisting of a general natural component and a specific historical generated component (laws, ceremonies). In his mind the natural element of Judaism was the same as in Christianity, only the historical parts differed. This allowed to consider Judaism and Christianity at the same level. The Prussian Christian Wilhelm Dohm (“Über die bürgerliche Verbesserung der Juden”) who was a friend of Mendelssohn thought that Jewish religion itself was no obstacle for the integration of the Jewish people in the state. In his view the “depravity” of Jewish people was not caused by their religion but an outcome of the long lasting suppression of the Jews in history. Therefore he argued, the state should grant the same civic rights to the Jews as to the Christians – parallel to a moral education. Then Jewish people would become “useful citizens”.

The idea of making the Jewish inhabitants to “useful citizens” answered to the need of the emerging modern nation state for unification. The modern state tried to suppress the existence of mediating corporations, which stood between it and its subjects, for example guilds. The institution of the Jewish community was also such a kind of corporation. In Europe at the time of the Ancient Regime the Jewish communities were much more than groups, which unified people of the religious faith. The communities were endowed with had their own intern rabbinic legislation and jurisprudence for their members. The Christian authorities didn’t intervene in disputes among Jews – as long as no Christians were concerned. These structures had to disappear in the eyes of the adherents of ideas of the late Enlightenment, to grant direct state control over the citizens.

Mendelssohn’s works were adopted by French authors, who played a prominent role for Jewish emancipation in France: Abbé Grégoire (“Essai sur la régénération physique, morale et politique des juifs”) and Comte de Mirabeau (“Sur Moses Mendelssohn, sur la réforme

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<sup>1</sup> Emancipation is defined as the legal equalisation of Christian and Jews.

politique des juifs”) made propositions following Mendelssohn’s argumentation. During the course of French Revolution the both were members of the Estates-General after 1789.

In France the state broke down the traditional Jewish communities – with their rules defining not only the religious life of its members but their whole life – with the emancipation during the French Revolution. In 1791 a law granted to the whole Jewish population of France the same rights as to the Christians.<sup>2</sup> This equality was abandoned with some decrees established by Napoleon in 1806 and 1808 as reaction to complaints from Alsace about the Jewish “usury”. The decree of 1808 restricted the freedom of movement and engaged Jewish tradesmen to acquire special licences (“Patente”) to have the right to exercise their occupation. Therefore the decree was also called infamous decree (“décret infâme”). This kind of discrimination ended in 1818, when the decree was not prolonged. The last jurisdictional disadvantages were abolished in the first half of the 19<sup>th</sup> century, for example the oath “more judaico” in the 1840ies. Although being Jewish didn’t mean any more an obstacle to a political career since the beginning of the 19<sup>th</sup> century, there existed still hostility towards the Jews in parts of the French population in the middle of the century, for example in parts of Alsace, where anti-Jewish riots took place during the revolution 1848.

A decree of 1808 (which was not abolished in 1818) established a new organisation for Judaism: The Jewish communities of a circumcision (usually consisting of the territory of a Département, where 2000 Jews were domiciled) should be administrated and controlled by a Jewish consistory. The latter superintended that the laws of the state and the Jewish religion were not inconsistent with one another. Moreover the consistories should care for a good education and encourage Jewish people to exercise “productive” professions, becoming craftsmen or peasants. Since 1831 the French state supported the Jewish practice of religion like he had done already for Christian confessions.<sup>3</sup> It financed the Jewish ministers of religion (rabbis, precentor) and supported repairs of old synagogues as well as the erection of new ones. The financial support of the churches lasted until 1905: Then a law separated the state and the churches. The law also brought to an end the state intervention in the organisation of religious institutions. Only in Alsace-Lorraine, that was annexed by Germany in 1871 and returned to France in 1918, the law of 1905 was not introduced because of the resistance of church officials. In this part of France the organisation of 1808 and the financial support of churches and their officials still exists.

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<sup>2</sup> The Sephardic Jews were already emancipated earlier during the revolution.

<sup>3</sup> At first only the catholic church had obtained financial support. Since the beginning of the 19<sup>th</sup> century also the protestant and calvinist church officials profited from state subventions.

In Prussia the Jewish emancipation took much longer to be achieved than in France: In Prussia the edict of 1812 (“Edikt betreffend die bürgerlichen Verhältnisse der Juden in dem Preußischen Staate”) made first steps in the direction of emancipation: It declared that the Jews, actually and legally living in Prussia were “Einländer und preußische Staatsbürger (natives and Prussian citizens). The territorial changes of 1815 lead to a complex situation. The king argued against Hardenberg’s idea of introducing the edict in the newly acquired provinces. Therefore the laws concerning Jewish people differed largely in the (separate) parts of Prussia after 1815. In the province of Rhine – in large parts formerly French – the napoleonic “décret infâme” was prolonged and stayed valid until 1847. The Jews living in this territory officially had the opportunity to become state officials (mayor, jury men, teachers), but the bureaucracy impeded this practically.

In the eyes of many Christian authors like the historian Friedrich Christian Rühls and the majority of Prussian politicians Judaism was a rubbishy religion, which allowed the Jewish people to do harm to Christians. The Prussian state treated the Jewish communities as private church societies (“private Kirchengesellschaften”), which were only tolerated. Therefore – in contrast to France – the state didn’t support financially the Jewish religious institutions.

Only in 1847 Prussia established a unified jurisdiction for Prussian Jews with the exception of Posen (“Gesetz betreffend die Verhältnisse der Juden in Preußen”). The law didn’t grant full equality with the Christians, but meant a development: It granted freedom of movement, free choice of professions and in general it allowed to Jews to become state officials – as long as no affairs were touched, that were specifically Christian (for example it wouldn’t have been possible to work in the ministry of cult). Moreover the law tried to give the Jewish communities a consistent standardised structure to make it easier for them to act as institutions. The law of 1847 partially constituted a defeat for the king and conservative politicians, who tried to reestablish a Christian corporative monarchistic system. During the course of legislation it was not possible for them to assert their aim because of the protest of the liberal powers, which saw Jewish emancipation as part of the larger intention to introduce more democratic respectively constitutional elements in the political regime: They wanted same rights for all citizens – also for the Jewish population, that showed (vehement) opposition against the reintroduction of a system separating Christians and Jews. Equal rights to the Jewish Prussians were only granted within the constitution of “Norddeutscher Bund” of 1869.