

# Friedrich Schlegel, Review of C. A. Buchholz, *Documents Concerning the Improvement of the Civic Condition of the Jews* (1815)

## Abstract

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Carl August Buchholz (1785–1843), a Christian lawyer from the German Hanseatic city-state of Lübeck, was chosen by the Jewish communities of the three Hanseatic cities of Lübeck, Bremen, and Hamburg to represent them at the Congress of Vienna of 1814–1815. As their representative, Buchholz was to defend the right of Jews who had settled in Bremen and Lübeck to continue residing in those cities, which had previously allowed no or only very few residents of the Jewish faith to live there and which threatened recent arrivals with expulsion. Buchholz was also to lobby for the insertion of a clause into the constitution of the new German Confederation that would guarantee equal rights and religious protections for German Jews alongside Germans of the main Christian denominations, Protestant and Catholic. As part of his efforts, Buchholz published the book *Actenstücke, die Verbesserung des bürgerlichen Zustandes der Israeliten betreffend* [*Documents Concerning the Improvement of the Civic Condition of the Jews*], which was then reviewed in the main newspaper organ of the Austrian Foreign Ministry under Prince Clemens von Metternich (1773–1859). The seminal Romantic author and scholar [Friedrich Schlegel](#), who, by this time, had worked for Metternich in Vienna for several years, was entrusted with writing a favorable review of the work that would further promote the Jewish cause. Schlegel had been active in Jewish salon circles in Berlin since the 1790s and eventually married the Jewish salonnière Dorothea Herz, daughter of the Jewish philosopher [Moses Mendelssohn](#). Herz had converted to Lutheranism upon her marriage to Friedrich, and then both converted to Catholicism a few years later. The Schlegels' conversion to Catholicism did not end their support for Jewish emancipation. Schlegel, like Buchholz, emphasized the patriotic service of German Jews in the recent wars against Napoleon and in general argued that Jews should receive equal citizen rights for performing equal citizen duties (something that opponents of Jewish emancipation sometimes claimed that Jews were incapable of doing).

## Source

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### Literature.

*Documents Concerning the Improvement of the Civic Condition of the Jews*, edited and with an introduction by C. A. Buchholz, Doctor of Civil and Canon Law and Philosophy in Stuttgart and Tübingen, 1815. Published by Cotta.

The topic of this work was already the object of many patriotic efforts and investigations thirty years ago. Who is unaware of all that Emperor Joseph did, and attempted, to improve the situation of the Israelites from the bottom up as well as to mold Jews into citizens? In those days, the well-meaning intentions of this untiring monarch still faced a number of difficulties, some of which no longer arise, which prevented his complete success. When the revolution broke out soon thereafter, this useful reform, like many others, was swallowed up by the turbulence of the time and forgotten or not further promoted.

The most recent events, however, have added renewed vigor to this very matter. This is already evident from the ordinances of the best-disposed German governments printed in the present collection of documents, which have followed quickly one upon the other in recent years in Mecklenburg, Prussia, Bavaria and Denmark, and in which the Israelites have been granted all civil rights, with some differences

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of form and modifications. The author wishes to see this principle, which has been sanctioned by so many honorable governments, that the Israelites should be completely freed of all previous oppression and henceforth recognized and treated as true citizens of the state, adopted and introduced as a general constitutional principle by a uniform measure for all of the individual German states and lands.

The main reason the author cites is that in the most recent era, the German Israelites, as has already been the case for some time in Bohemia and the Austrian states, and now principally in Prussia and most other German lands, have participated in military service and the universal militia, just like all other citizens of the state, and indeed have perfectly fulfilled their civic duty through voluntary military service and patriotic participation of all kinds, and have not seldom distinguished themselves gloriously.

This highly important fact has indeed changed the entire previous condition of the Jews, so that one cannot but agree with the author's essential points and concede that it is necessary from now on to treat them quite differently. When the Israelites were oppressed in bygone days, one could always say that, although they had other disadvantages, they were at least freed from military service, and that those who did not fulfill the foremost duty of a citizen, to defend the fatherland, could not expect to enjoy the same rights as other citizens. Now, however, that everywhere in Germany the Israelites have done their duty to defend the fatherland and proved themselves as citizens with weapons in their hands, they have truly become citizens and it would be unfair and indeed unjust to wish to exclude them any longer from the rights of citizens. As in some other matters, in this respect, too, the recent periods of struggle and the overall danger have led to new and beneficial developments. So powerfully have the national spirit and patriotic sentiment been aroused by resistance and attempted oppression that even those members of the commonwealth who previously held back have been gripped by it and thereby raised to a higher level of citizenship, equal to others. Posterity will deem it one of the peculiarities and signs of our times that in their struggles, the Jews, too, have been made into defenders of the fatherland and true citizens.

The second argument upon which the author rests his case, particularly with respect to the occupations and civic improvement of the Jews, is the indubitably correct observation that whatever one may start or attempt in order to bring about such an improvement will be in vain as long as the previous disregard for them continues. The author notes that all "states continued to cut off all paths to them for useful improvement," then citing a "lack of culture as the reason for their further oppression." On the contrary, one should begin by treating and recognizing them as citizens; this is the only means of truly forming and making citizens of them. This at once simple and irrefutable principle has already been perfectly affirmed by experience and decisive facts. We note with pleasure that with regard to the progress of commercial activity among the Jewish nation, of which it has given evidence everywhere that it was offered the opportunity, with Bohemia cited by the author as an excellent model, "where one-third of the Jews living there already abandoned commerce half a generation ago and devoted themselves to professions and manufactures (pp. 54 and 76)." Also within a very short time, the local Jewish community of Frankfurt am Main, having attained access to the trades under the former grand duke, has seen a substantial number of Israelites devoting themselves to various professions. The similar progress in productivity among the Jewish nation in Prussia, Denmark and several German lands is sufficiently well known. These are facts before which all hostile sophistry fades away. The author bases his argument throughout on experience and is doubtless correct to choose this path. The dispute over whether this or that perhaps outmoded prescription in the Talmud is truly incompatible with the soldier's estate or some civilian profession could be continued ad infinitum, but it leads to no certain outcome and, in any case, readily takes on a spiteful character. Suffice it to say, and this is confirmed by experience, that such collisions either occur not at all or can easily be remedied with rationality and fairness. Even the general discussion on the relationship between religion and religious opinion and the state, to which the author occasionally contributes, albeit rarely (as on pp. 56ff) could have been left out, since it is after all impossible to treat this important matter exhaustively in such a short work. It is also all the less necessary for the subject at hand to delve so deeply into the speculative

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theory of the state, since agreement regarding the first principles of tolerance and universal freedom of religion has existed for some time in Germany.

If, by the way, the state and all enlightened governments must wish that the Jews should cease as far as possible to be Jews, in the previous isolating sense of the word (as a state within the state), this should by no means go so far as the state wishing the Jews to become indifferent to their own or to all religion. This must, rather, be considered a great evil, and any truly enlightened government will always consider the religious education of all members of the state to be the foundation of the civil compact. For that reason, it is, however, highly desirable for expanded citizenship rights for the Jewish nation to be combined at the same time with universal measures to improve their education and their schools. In particular, the schools must ensure the religious training that is appropriate for their beliefs and the moral needs of their higher civil perfection. Some workable efforts have already been undertaken in various German lands (pp. 68, 69ff), and several of the regulations reproduced here are also conceived in the same spirit, among which, aside from the extensive edict in Baden, the Danish ones (e.g. §14) contain much that is noteworthy in this respect.

In the preface (p. v) and at the close of the text proper (pp. 70ff.) the author expresses his wish for a universal law regulating this entire matter of emancipating the Israelites and seeks to demonstrate that the intended objective can be attained only by a measure that is identical throughout Germany. Every German patriot will readily agree with him that this issue is among the subjects of public welfare that demand a common regulation for all German states and therefore cannot be justifiably ignored in the laws of our constitution. On this point, too, we may have the fullest confidence in the thorough insights and patriotic sentiments of the great statesmen who are called to guide German affairs and to recast the constitution.

This need is rendered especially tangible by another consideration. In several German provinces and free cities, the emancipation of the Israelites first emanated from and was ordered by the French during the era of their rule and the subjugation of the Germans. Among the less rational and fair-minded, this could place the whole matter in a negative light. We, however, believe that the consequences are quite the opposite, and that fair and just conduct towards the Israelites is more essential than ever, indeed, quite necessary for the honor of the good cause. No one disputes that the edicts of the former royal government of Westphalia as well as those of the former French government in the so-called 32<sup>nd</sup> military division no longer possess any legal force following their dissolution. If, however, the reinstated rightful former governments of German princes or free cities seek to cancel arrangements that relieve certain heretofore oppressed classes or individuals from oppression solely because they were instituted by the French, such a retrogressive mode of action would be worthy of censure and would produce negative effects quite inimical to the German fatherland and patriotic sentiments. For this would mean once again making a party of the recently vanquished enemy. Such a procedure would be all the more unfair, since the German Israelites everywhere make very good and modest use of the new freedom granted them, as the Senate of Hamburg has expressly testified (pp. 31 and 32). If we were to follow this retrogressive principle throughout, in the end we would have to demolish the new road over the Simplon merely because it was constructed under Napoleon. However, we wish to give no one just cause to yearn, in whatever respect, for the return of the era of tyranny we have fortunately survived! And we truly speak here of a class of persons important not just for their state of suffering but also for their significant numbers, and of the fate of several hundred thousand individuals. (Taking the mean average of various, admittedly widely disparate, figures, one can, without danger of exaggeration, estimate the number of Israelites living in all the German lands at about one-half million.)

May the author continue to dedicate his efforts to the cause he defends with such laudable warmth and patriotic zeal, and which we wish every success, and may he produce the promised second volume in which, alongside the other edicts of various governments concerning the same subject, he provides us in

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particular with a wealth of facts so that we may survey the entire current condition of the Jewish nation in Germany with as much statistical precision as possible.

Source: Anon. [Friedrich Schlegel], Review of Carl August Buchholz, *Actenstücke die Verbesserung des bürgerlichen Zustandes der Israeliten betreffend*, in *Oesterreichischer Beobachter*, no. 61 (March 2, 1815), pp. 336–38. Available online at:

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