

Excerpts from H. E. G. Paulus's Pamphlet on the Emancipation of the Jews in Baden (1831)

Abstract

In the following excerpts, Heidelberg professor and theologian H. E. G. Paulus (1761–1851) argues against the emancipation of the Jews in Baden. Pointing to Jewish religious laws and economic practices, Paulus contends that Jews constitute a distinctive foreign nation and were thus ineligible for citizenship rights. Only adaptation to the standards of Christian religion and behavior would make their integration possible.

Source

[...]

I shall endeavor at the outset to summarize in a few words the primary viewpoint from which this matter—an important one for all honest followers of religion—should be regarded. This viewpoint, however, is usually obscured by a false conception of religious tolerance: as long as Jewry actually believes it has to be Jewish in a rabbinic-Mosaic sense, then it cannot receive citizenship rights in any other nation, for it wants to remain an isolated nation and considers it a religious duty of its own to always remain a nation separated from all the nations under which it has found protection.

But, understandably, in no nation can a person who wants to continue belonging to another nation (and who believes he must keep doing so) either reasonably seek or retain the rights that presuppose that that person belongs *not* to another nation, but to the nation of that particular country. Jewry, however, scattered across the entire globe, wants everywhere to be this very same Jewish nation, isolated from all nations, marrying only among itself and bound to many peculiar foreign laws.

Therefore, it—Jewry as a social association—can no longer be offered anything more than protection for subjects, and at the very most protected membership in society, if it cannot, for the time being, factually accept and sufficiently prove [without leaving its religion, which it neither shall nor may be moved to do by any kind of advantage] that it no longer has reason and will to persist in its own nationality, in other words, to really, actually give this up and show—demonstrably!—that in every country every Jewish inhabitant belongs only to the nation of that particular country and no longer to the general One Jewry, as a necessarily isolated, self-preserving people of God.

[...]

13. That which (emancipated) Jewish associations and families, long since lifted from state subservience, contribute to the state in taxes is for protection—of their persons, their businesses and property, as provided to them by courts, police, and the military.—But how, by paying a contribution for protection, not higher than [that paid by] all others, should one be given the right to be more than a protected member of that state, to even be a judge of others, a fellow legislator, a member of government and administrative offices? This is the difference between a protected member of society and a full citizen.

14. The protected member of society has no legal grounds to claim admission to full citizenship by the existing citizenry. He cannot—and may not—even be given citizenship rights in a nation as long as he—whether it be due to prejudice or for special reasons—belongs to another nation and persuades himself that he needs to constitute another nation of his own.

15. There is no basis for religion forcing Jewry to remain its own nation. But even if it were a necessary consequence of its religion, the tenet must still remain: whoever belongs to one nation may not aspire to become a superior officer, judge, co-legislator in another nation. And if he should aspire to this, then he must be directed back toward that to which he is entitled.

16. It is not the Mosaic religion—i.e., the belief about the relationship to God—that compels Jewry to its ongoing national differentiation; but rather the difference of alien laws and manners, hence of upbringing and customary prejudices. These include, for example, the following:

17. According to Moses himself, to the Jew every gentile is a foreigner, a goy who is allowed to reside in the land of the Jews (Ex. 19, 33. Deut. 10,18) but only as a protected resident. If Jewry clings to Moses not just as a matter of religious belief, but also as a matter of legislation, then how can it demand that we (who, if Jewry were a state, would be tolerated inhabitants at best) treat its people as citizens, i.e., let them be admitted to lower or higher offices, in order to govern over us?

18. How, according to the Mosaic constitution, would a gentile residing in the land of the Jews ever have dared to think that he was capable of being a community official for Jews or even a mere elector to the plenary assembly through which, e.g., Saul, David, etc. were chosen as regents?—For as long as Jewry feels obliged to remain a Jewish people according to Mosaic legislation (which would have to be sharply distinguished from the religion of Abraham and Moses); for as long as this is the case, we remain foreigners in its estimation, at best protected fellow residents. With what right can its people be more to us? This is not the case because we are Christians; but rather because they themselves want to constitute another nation with other laws and customs.

19. According to Moses and Ezra (Chap. 9, 10. Neh. 13, 2, 25), no Jew can marry a gentile or give his daughter to any such foreigner (goy) as a wife.—And yet their defenders want to say: They are putting themselves on an equal footing with us in every aspect of civic life, and therefore, by fulfilling equal duties in life, they also earn égalité of rights.

20. Only when they are capable, among themselves, of giving up everything whereby they—N.B. [*nota bene*] in civic affairs—differentiate themselves from us through Jewish law (not: religion), do they render themselves equal and may desire that we legally acknowledge this equality (N.B.: once it exists).

[...]

3. Suggestions for Improvement

The above-mentioned historical overviews show how it became possible for a people whose former country- and state-constitution appears to have been violently demolished—irretrievably so for eighteen centuries now—to persist nevertheless, even in a state of dispersion among all other peoples, as an isolated nation opposed to every other nation in its laws and customs, and to believe in having to persist this way for the sake of religion. The roots of this evil and its development must be recognized before Jewry, which is suffering mainly because of this, can be persuaded by arguments to move toward the recovery that depends upon it itself.

The Jews would gladly be put on an equal footing with the other nations under which their people are now born and [into which they] are admitted to the duties and rights of protected citizens. But the dissimilarity owing to which those dispersed everywhere [i.e., Jews] continue to assert their isolated nationality cannot, for the most part, be abolished by ordinances of governments; it can truly only be abolished by their own determination. And if those who want to remain different by way of laws and customs nevertheless make the claim for equal footing with state citizens as regards civic duties and rights, then the incorrectness of their desire and the impossibility of making a concession regarding the difference in which they persist lies with them.

[...]

If, as is currently the case, all members of Jewry who have become protected members of society in particular states endeavor to achieve further equality, then legislative wisdom can only reflect upon how it can make it possible for the Jews themselves to manage to create greater equality on their own, without the compulsion of religious conviction.

Here, initially, nothing seems more necessary than the renewal, and at the same time the faithful implementation of existing ordinances, so that at least those native-born Jews—in villages and in cities—utterly abandon the haggling that constitutes a kind of livelihood for most of them and makes them hated and noxious among their fellow citizens, and that they are only allowed to pursue the usual legal ways of earning a living common among the other citizens with whom they want to become equal. Whoever fails to submit to these necessary ordinances would have to know in advance, legally and irrevocably, that, after a set time, he would be making himself liable to the loss of protected membership in society. For there is nothing surer than the fact that the haggling of these cohesive nationals, in retail and wholesale, is as unbearable for citizens of the state as a gradual but artificially continued bloodletting.

[...]

Shall I, in closing—for the followers of Moses—pronounce the final judgment quite rabbinically? Moses already said: Thou shalt not sow thy field with dissimilar kinds of seed! Neither shall a garment mingled of linen and woolen come upon thee! (Lev. 19, 19) Thou shalt not plow with an ox and an ass together. (Deut. 22, 10)—Thus, already 3,000 years ago, the Oriental legislator expressed that dissimilar things should not be forcibly made equal. The followers of Moses should at least have given Him and his wisdom a hearing and, first and foremost, as a national matter, applied all of the legal means at their disposal to make themselves similar in a good way.

For us, who think and speak according to western logic, two decisive points illuminate and form the basis of our reasoning:

I. If one shouts to the liberals and also to the indifferent: Religion should not make any difference! The more insightful [among them] draw a more appropriate distinction. If religion is what you believe about your relationship to the Deity, and what you do for yourself as a result, then this is your affair. For that reason, you are constitutionally and *de facto* guaranteed not only freedom of conscience but also freedom to worship God in your own way.

But if you count as part of your relationship to God and your religious practices that which must imperil and damage others around you, then they will regret your error; but they are so understandingly liberal for themselves and their own folk so as to admit and concede nothing to you from which a peril to their well-founded rights and civic relations might be anticipated. This is something that state legislation must secure for all, but in the first place for those who originally made up political society and who have to admit others only when well thought out, in stages, and individually, depending on proof of their qualification.

This distinction between freedom of religion and non-freedom—for applying religious opinions at others' peril—must be observed toward all religious parties, because all are capable of degenerating into damaging conclusions against others. Whoever attributed to his religion that he was allowed to borrow and make off with the Egyptians' gold and silver, that the Canaanites had to concede their land to him, etc., or whoever still attributes to his religion that the God of everything will choose his people before all other peoples and, in the end, raise the Moschiach [Messiah] over all—to him, admittedly, the liberal will not prohibit this [kind of] belief, but he concedes to him no share of offices wherein he could rehearse his

way to that preferred universal world government—initially at our cost.

II. But even if none of these dubious applications of national religious opinions existed with respect to the admission of Jewry to political and civic offices, according to general constitutional law, the capable person is not qualified to hold a community director's office when he persists in belonging to another nation. Whoever belongs to another nation can be a foreigner, he can be a protected member of society in Baden; but if he aspires to become a reeve or a town mayor, he would, even if he were a Grey, a Wellington, or a Lafayette, in the first place have to relinquish the other nationality and be nationalized here. Personally belonging to two nations to the same extent is not permissible as a matter of constitutional law. Everyone who is convinced that he needs to remain a Jew belongs (may he be born wherever he has been admitted to protection) to the one nation that is dispersed throughout the world but remains isolated in so many laws and customs. He can only be a protected member of society in another nation. That he, without leaving his nation, cannot be qualified to become a citizen of the state, i.e. not [qualified] for a reeve's office in the nation of Baden, is no dishonor to him; it is a consequence of that in which he aspires to persist; it is the necessary right of every nation not to have foreign national authorities governing it. If Jewry as a nation is going to form a state anywhere, whoever does not nationalize himself among them by circumcision can surely not become a village judge there.

But we, who should not forget to be Christians even as citizens of the state, have to add a third consideration.

Being Christian is undeniably, for now, the best among the stages of civilization achieved. Only clerical controversies could occasion the deplorable state of affairs in which what is Christian is not acknowledged for its excellence and maintained as fully valid. Apart from all the doctrinal opinions that are theological and at dispute relating to clerical authority, He—who has honored us in teaching us Divinity spiritually and through the Truth of probity, [who] proved the possibility by deed, and in the meantime thereby persuaded and inspired millions among all those who still retained his original Christianity (even if under tiresome humanizations) as a foundation—[He] brought forth a moral, civic, and scientific [scholarly] perfection (culture), by force of which everyone is convinced: The more Christian the way we are governed, the better!!

And is this “better” something that we, the intelligent, should allow to be endangered, to become intermixed—indeed, subordinated to this uncertain mixture—with non-Christian morals, laws, opinions etc.? Whoever prefers to be governed in a Jewish way may convert to the Jewish nation. To argue with us that whoever persists in remaining Jewish may nevertheless have it in mind to help govern us according to purely Christian law and meaning—[this] is [something] of which the rabbinical power of persuasion is not capable.

I must declare this one more time: If we ask Jewry itself: would it want to be governed in a Jewish or Christian way? As protected members of society it has something that only the Christian Enlightenment could offer it. Christian governmental legislation should seize the current occasion to emancipate them from their rabbis. Christian school supervision should aid and support improving Jewry's civic schools and educational institutions. Christian governmental supervision should intervene to prevent any number of injustices from happening among them themselves—e.g., [among] boys, minors, the female sex, the mass of the oppressed etc.—as a result of wrongheaded religious interpretations. Additional amelioration, and thereby also improvement of their national condition, must depend on their own decisions, on their proceeding toward solid industriousness. Trust cannot be commanded. Every individual who discontinues what is everywhere called Jewish in customs and especially in business life ought, in the first instance, to nationalize himself, and he will then surely be welcomed with joy and acknowledged as someone who has put himself in the same category as the good among us, because he has developed himself into the equivalent of that which is worthy of being called Christian. Individuals like that will never lack a way toward nationalization in particular.

Source: H. E. G. Paulus, *Die jüdische Nationalabsonderung nach Ursprung, Folge und Besserungsmitteln: oder über Pflichten, Rechte und Verordnungen zur Verbesserung der jüdischen Schutzbürgerschaft in Deutschland: allen deutschen Staatsregierungen und landständischen Versammlungen zur Erwägung gewidmet*. Heidelberg: Universitätsbuchhandlung von C. F. Winter, 1831, pp. 2–3, 8–10, 61, 65–66, 146–49. Available online at:
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