

Moritz Mohl and Gabriel Riesser, Two Speeches on Equal Rights for Jewish Germans (1848)

Abstract

While anti-Jewish stereotypes remained widespread across the political spectrum, by the late 1840s the majority of German political figures, from moderate liberals to democrats, had come to support the idea of Jewish emancipation as a matter of equal rights. They also began to bring to bear social pressure to show that anti-Jewish rhetoric was no longer acceptable in political settings. Even the Württemberg democrat Moritz Mohl (1802–1888)—not to be confused with his older brother, the Reich Minister of Justice Robert von Mohl—in his contribution to the debate over Jewish emancipation did not dispute the principle that German Jews should receive full citizenship rights. But using strong anti-Jewish rhetoric, Mohl still denied that Jews could be fully assimilated into the German nation and argued that they should be subject to special discriminatory legislation designed to protect Christian Germans from supposedly damaging Jewish economic practices. In response to Mohl spoke none other than [Gabriel Riesser](#) (1806–1863), the leading Jewish defender of Jewish rights in the Vormärz era. Riesser argued that German Jews were patriotic Germans like any others and should enjoy the full rights of citizenship without any discriminatory legislation or pressure to convert to Christianity. Notable are the signs of dissent that punctuated Mohl’s speech to the Frankfurt National Assembly, while Riesser’s contribution was very well-received. Riesser was in fact subsequently elected as vice president of the Frankfurt National Assembly.

Source

[...]

Moritz Mohl of Stuttgart: Gentlemen! I have proposed the following amendment to this paragraph: “The peculiar circumstances of the Israelite tribe are the subject of special legislation and can be regulated by the empire. Germany’s Israelite citizens are guaranteed the active and passive suffrage.”

Gentlemen! I find it difficult to offer this motion, but I consider it a sacred duty towards the German people. There is surely no greater misfortune—we must all feel it with the greatest sympathy, there is surely no more painful misfortune than to have lost one’s fatherland. This misfortune is that of the Israelites scattered throughout the world. (A voice from the right Center: No!) Please allow me; as no one will deny, the Israelites do not belong to the German people by descent, and they can never completely belong to it. (Oh!) It is not their religion that prevents them, nor the laws, but solely the impossibility of mixing families, and this impossibility, however, does have a religious and an ecclesiastical reason. In all countries, even those where the emancipation of the Jews has long been enshrined in law, you will find that nowhere has the Israelite tribe entered into family relations with the peoples among whom they live, nor could they do so. Whatever laws we may make, we will never be able to erase this difference. I by no means wish to say that the common language and country does not make the Israelites German to a certain degree, but the Israelites can and will never become a wholly German tribe because of these historical circumstances and also the religious ones. If it were only a question of political rights, the matter would be far simpler. To be sure, it would not occur to any of us to object to the active and passive suffrage. On the contrary, we will be pleased if Israelites—as is often the case—enjoy the trust of the German people to such a degree that the people elect them as their representatives. But, gentlemen, the question is quite another one: the scattering of the Israelites across the entire world, the peculiar circumstances of the Israelite tribe, which is, however, also connected with their religious insularity,

these peculiar circumstances, as is well known everywhere, have lent the Israelite tribe a peculiar direction in civil and private conditions, at least the majority of them, especially in the lower orders of society. It is well known that the Jewish tribe currently and for centuries now has engaged in virtually no agriculture. Very rich Jews may buy estates, but very few poor Jews cultivate the soil, and they do so reluctantly. It is also well known that comparatively few Israelites are tradesmen, and that they readily exchange their crafts for commerce. As we know, they are everywhere mainly employed in commerce. In the wholesale trade this poses little or no inconvenience, but it has very great disadvantages in retail trade, as we all know from daily experience. Gentlemen! We cannot erase these disadvantages with a single declaration. If we were today to declare all the haggling and peddling Jews, all the Israelite cattle lenders, all the Jews who suck poor farmers dry by usurious means to be equal citizens, this deleterious impact upon the German people would by no means be erased; instead, the Jews would merely have more scope to expand their damaging effect upon the German people and render it more complete. We wish to be humane towards the Israelites, as humane as possible; however, gentlemen, our foremost duty is to the German people. I do deplore the restrictions mandated by certain laws, not all of which I would justify, which frequently oppress the Israelites; however, gentlemen, I deplore a million times more the thousands of poor farmers who are sucked dry and destroyed by the Jews. Gentlemen! If one asks the local mayors, the lawyers and judges in my country and other countries, then you will hear that once the Jewish usurer has put a foot in the door of the farmer's house, the latter is lost. (Voices: Oh! Oh! hissing.) Once the usurers from the lower orders of the Jewish population, who suck the people dry, know that a farmer has money trouble, and have offered him a loan, which is generally so entangled with barter and other business dealings that the judge can no longer disentangle the matter, the farmer is lost. Then he is dragged down ever further until his house and farm belong to the Jew. (Disagreement in the assembly.)

President: I must ask you not to interrupt the speaker; each of us has the right to develop his argument.

Moritz Mohl: The lower classes of the Jewish people have a similarly harmful effect on the retail trade. Individual legislation contains some very effective laws; for example, in my particular fatherland the relevant laws stipulating that the Israelites should be diverted from haggling and usury and encouraged to engage in proper, honest trades and agriculture have proved quite beneficial; these laws also aim to divert the Israelites from retail selling into other trades; it is an entire system of legislation that has had a very useful impact thus far. People are always referring to France and England, but the circumstances prevailing there are quite different. France expelled all the Jews in the Middle Ages; there were no French Jews before 1789; they were not allowed to live in France, with the exception of Alsace and Lorraine, Bayonne and Bordeaux. Up to 1789 there were only 50,000 Jews in France, while 60,000–70,000 of them live in Bavaria alone. These Jews were, moreover, in part German in Alsace and Lorraine and Portuguese in Bayonne and Bordeaux; there were no French Jews and, as I said, none were allowed to live in the rest of France before 1789. People therefore had no idea of the disadvantages, but they would later become aware of them, and in 1868 Napoleon saw himself compelled by complaints about Jewish usury to enact special and very strict exceptional legislation because of complaints of Jewish usury. All the Jews were also expelled from England in the Middle Ages, and only a small number were allowed to settle again under Cromwell. According to the highest estimate, there are now 30,000 Jews living in England, while other figures are far lower. In these states it is quite easy to be liberal in this regard, for entire provinces know nothing whatsoever of Jews. Finally, people refer to North America. But the situation is completely different there. There is enough land, farmers are prosperous and therefore have no temptation to place themselves in the hands of the Jew. In Germany, however, it would be the greatest detriment to society if the state were deprived of the means to halt such activities and lost the fundamental right to control the circumstances of the Israelites by means of laws. I know the objections that will be raised: people will say that the Jews have been oppressed and thereby morally ruined. I admit that the Jews were persecuted in the Middle Ages and suffered terrible oppression, although they usually evoked it by usury; far be it from me to defend such measures. (Voices: Enough!) Gentlemen! I am fulfilling my duty to the German people,

although I know that it will make me unpopular. I wanted to say that people will counter by citing oppression; yes, it still continues today to some degree, I concede the negative effects of such oppression; but the main reason for the evils I have outlined here lies in different circumstances altogether: it lies in the fact that the Israelite tribe does not blend with the German people, does not and cannot identify with it because of religious circumstances; it lies in the fact that this tribe has devoted itself for millennia to a direction that cannot simply be changed all at once, not even by total emancipation. The Jews are an alien element; they stick together everywhere in the world, but do not feel themselves to be part of the people among whom they live. Another objection is that no special law is needed for the Jews. It suffices for improper activities to be legally frowned upon and criticized whether committed by Jews or Christians. But this too is incorrect. It is not the individual act, which is already hard enough to get to the bottom of in the case of Jewish usury, but rather the entire tendency and activities of the Israelites in the lower classes that is harmful to the people, and wise measures by the state and wise laws are needed to direct Jewish youth into other careers. They simply follow the example of the old Jews in the lower classes, and the more they are released from all shackles, the easier it will be for them to exploit the people. Finally, someone may express the objection already made to me in the economic committee: namely, that I had spoken out in favor of civil equality on the matter of the nobility. These questions are completely different, however; for if we decide to abolish the aristocracy today, this in no way prevents the nobility from joining with the rest of the population. This is not the case with the Israelites, for religious reasons, as I have said. For that reason, the Israelite population will forever swim like a drop of oil on the water of German nationality. I commend my amendment to your careful reflection and consideration.

Riesser of Hamburg: Gentlemen! In an earlier discussion about the privileged estates, an honorable speaker claimed the right to speak with authority before you in the name of the privileged estate to which he belongs and to defend it. I claim the right to speak before you on behalf of a class oppressed for millennia, to which I belong by birth, and, personal religious convictions having no place here, to which I also belong by the principle of honor, which has made me refuse to change my religion in order to gain, in a despicable manner, the rights denied me. (Bravo!) I claim the right to speak out in the name of this oppressed class against these ugly accusations. (Voices: Very good!) The honorable previous speaker clothed his motion in an untruth. He does wish to see the Israelite tribe excluded from equal rights for all by exceptional laws. In a solemn resolution, you have assured the non-German-speaking peoples who live in Germany equality before the law, equality of rights and equality in all those things that make Germany dear to the Germans. Should we Jews consider it our misfortune that we speak German? Should we be treated worse, should we be deprived of liberty because we do not belong to the category of the non-German-speaking tribes? Shall history say of you that you sought to appease the powerful tribes who might intervene destructively in the history of Germany, who stand before you armed and equipped, by granting them equal rights, that you had nothing but gentle words for threats of violence, but in contrast that you maltreated a weak religious party that seeks nothing from Germany but to become part of it—for only by those who think clearly and feel vividly, and possess a clear awareness of their situation, can you judge this mass of people, like any other—a class that seeks no nationality foisted upon it by its enemies, which thinks and feels as Germans, and retained exceptional laws to their detriment, while elsewhere you destroy all exceptional laws and leave it up to equal rights and laws to heal all the ills of society? A religion, however, which intolerant civil laws, promoting prejudices on both sides, forbade mixed marriages, was compelled over the centuries to retain ancient tribal separation, and the laws of more recent times, which permit mixed marriages but append the intolerant condition that the offspring of the marriages become Christians, could do nothing to change the unity of the Jewish tribe. But one of the consequences of our new laws will be that marriages are mixed, and religion will no longer be a lasting and insurmountable dividing wall of tribal unity, especially if you add the express stipulation that religious difference must constitute no hindrance to marriage; and then the tribal division will end. We have heard talk of the occupations of the lower classes among the Jews, and it was odious, and I leave it up to you to judge, for I do not wish to give the appearance of conducting my

own case with partiality. But the final objection treated so lightly by the previous speaker, in contrast, is a victorious one. You must open the old gorge of injustice and inequality once again. The activities prohibited to Jews must be prohibited to Christians as well. Whatever is ruinous for the people and disadvantageous to the economy must be regulated by a law independent of religious confession. You must forbid the second-hand trade and dealings with farmers that you deem disadvantageous or actually declare farmers to be legal minors. You will not be able to accord the Jew a better position in the empire because he accepts Christianity or otherwise sheds his religion, which, incidentally, once the state has become separate from religion, will be such an easy method that the least conscientious Jew will grasp it most readily; for that reason you must also not allow exceptional laws to persist to his disadvantage alone if you cannot prevent or effect by universal legislation the corresponding disadvantages in political life. Allow me to underline a few facts as examples. I should like to refer to the instance of Württemberg. In 1828, the Jews there were banned from certain branches of business, for example, the resale of farms for profit, because of the assumption that breaking up farms is economically harmful. I refer, however, to those who participated in the negotiations of the Württemberg estates in 1836 and ask you whether many honorable people did not certify at the time that matters did not improve one whit in the sale of farmland, which instead was now conducted by Christians in an even more ruthless and disgraceful manner. If you cannot get to the root of economic ills that refer to somewhat dubious economic questions, and not heal the ills themselves, you would be better not to try to fill the gaps in political knowledge with fanatical and intolerant regulations. If you declare this or that to be impermissible, you must forbid it to everyone, otherwise you produce dishonesty; for that legal inequality has produced dishonesty on both sides has been amply demonstrated, for example, in the Rhine Province, when it was a matter of abolishing those imperial decrees, as attested to by so many impartial observers that you can assume it to be true. A second example concerns the exceptional laws that Prussia enacted temporarily in the districts of Paderborn and Hörter. At a time when it had not yet accepted the principle of universal legal equality, the Westphalian Diet acknowledged that such exceptional laws serve only to facilitate usury by Christians. Those regulations were then abolished. Everywhere, impartial scrutiny led to the same outcomes as in these cases. Just as you would not allow a privileged class of the population to judge others, just as you would not find in the hatred and contempt of the privileged estates against the lower ones a reason to allow an injustice against the lower orders to persist, you must not here allow the opinion of a majority filled with hatred and contempt through bygone centuries and here and there perhaps even today to be exercised against the civil rights of a minority. I know that I am partial here, but I am happy to be such on the side of those who suffer injustice and oppression. I could cite thousands of additional impartial judgments against the previous speaker's descriptions if I felt it were necessary. Gentlemen! Have a look at the legislation in Germany's individual states. In Prussia, all of the much-admired fighters for liberty fought, first at the provincial diets and then at the unified diet, for complete freedom of conscience and religion, for equal rights between Jews and Christians. All of Prussia's tribes petitioned in this direction, and as a result of this unanimous public opinion, the equality of the Jews in Prussia was proclaimed along with the blessing of liberty for the people. Gentlemen, do you think that which a population of 16 million desired would be so easily reversed; do you think that it is morally possible for this assembly to permit such a step backwards on the road of law and liberty? In an address, the Bavarian diet unanimously expressed the wish that the law on the Jews might be based on the principle of complete legal equality, and so it is in the great majority of German states. I ask accordingly whether the people's voice truly so unanimously favors the opinion of the previous speaker, whether it does not actually support the abolition of the exceptional laws? (Several voices: For five years now.) The previous speaker wishes to grant us political rights, but this approval is of extremely recent date. I myself have lived under conditions of the deepest oppression, and until recently I could not have held the office of night watchman in my native city. I may regard it as the work, and I might even say the miracle, of law and freedom that I am authorized to defend the great cause of justice here without having first converted to Christianity. And so I live in the firm conviction that the good cause has already triumphed, despite the last upsurges of ill will from a few quarters. I do not believe it is possible to grant equal rights for the active and passive suffrage, for the lofty work of legislation, as long

as the most injurious exceptional laws persist in lower spheres. These exceptional laws would disgrace the highest political rights that you wish to make the common property of all Germans, without any distinction of confession. If, however, according to the views of the previous speaker, the legal distinction is henceforth to rest not on faith but on nationality, please name the place where it is possible to acquire this nationality without a religious confession. If the Jew says: "I know nothing of a special nationality," what path can you show him? What means do those who have rejected this phantom of nationality for many years have of converting to German nationality, except to convert to Christianity? In this way, you move merrily towards making a lie of both nationality and religion. If we are so anxious to make a distinction between the educated and less educated among the Jews, one might ask whether the same difference exists among other classes. I would like to remind you that in former times in Prussia, when certain national privileges were to be accorded to the Jews out of whimsy, the entire Jewish population refused without distinction: they were, namely, to be granted an exemption from military conscription at the king's fancy, and they rejected it unanimously. I admit that in their oppression thus far, the Jews have not yet attained the highest, the spirit of patriotism. But Germany has not yet attained it either. Under just legislation, the Jews will become ever more enthusiastic and patriotic supporters of Germany. They will become Germans with and among the Germans. Trust in the power of right, the power of one law for all and in the great destiny of Germany. Do not permit exceptional laws to be made, which will cause a pernicious rift in the whole system of liberty, laying within it the seeds of corruption. It has been suggested that you should sacrifice a segment of the German people to intolerance and hatred; but you will never do that, gentlemen! (Lively general applause.)

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Source: *Stenographischer Bericht über die Verhandlungen der deutschen constituirenden Nationalversammlung zu Frankfurt am Main*. Published by decision of the National Assembly by the Redaction Committee and on its behalf by Professor Franz Wigard. Leipzig, 1848, pp. 1734–57.

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