

Joseph II's Edict of Toleration for the Jews of Lower Austria (January 2, 1782)

Abstract

Between 1781 and 1789, Joseph II's government issued toleration edicts of varying nuances for the various Habsburg lands in which significant Jewish populations existed. This text, which applied to Vienna and the surrounding province of Lower Austria, forbade the Jewish community in Vienna from maintaining a formal communal structure, including synagogues, in the Imperial city itself. Synagogues could only be built in Vienna's then-unincorporated suburbs. The edict makes clear that Joseph's "enlightened" regime pressured the Jews to abandon those practices and characteristics that set them apart from the German Christian population. Traditional Christian anxieties about unbridled Jewish population growth and economic competition with Christians are also evident. Though but a first step in the "toleration" and "emancipation" of the Jews, it was nonetheless a brave one – and certainly one that Joseph's mother, the conventionally anti-Judaic Maria Theresa, would never have taken.

Source

January 2, 1782

1. In the future also, the Jews in Vienna shall not constitute their own community, under their own direction; each individual family enjoys the protection of the law of the land; no public worship, no public synagogue, no press of their own for works in Hebrew, for which they must use the press in Bohemia.
2. It is also intended that the number of Jews and the conditions under which they are at present tolerated in Lower Austria and here in Vienna shall remain unaltered, and where no Jews have ever been domiciled, none shall be allowed to settle in the future.
3. Thus, as in the past, no Jew shall be free to come to Vienna from another Hereditary Land, to settle here permanently. Foreign Jews must apply for permission for this to Us personally.
4. A person applying for a permit must state the trade or occupation which he proposes to pursue, and show what are his means, and also show how he proposes to utilize the toleration granted him. The Government will then determine the amount of the protection fee, which it may fix higher or lower as it thinks right.
5. On payment of this protection fee he may reside in Vienna with his wife and minor children, and pursue the calling on his permit. If, however,
6. A son marries and sets up his own household, he must obtain a permit for himself or, if he prefers, pay for a permit to leave. Similarly, a permit is required for a son-in-law, or if the daughter has received permission to marry a foreign Jew, the leaving permit must be paid out of the dowry going abroad.
7. No Jew is permitted to settle in a rural district of Lower Austria, unless he proposes to introduce a manufacture or a useful trade, for which he must apply to the Government for a permit, when he will enjoy the same rights as in the capital. The facilities enjoyed by the Jewish religion under the present regulations, which entirely supersede the last regulations, of May 5, 1761, are, accordingly, as follows:

Since it is Our purpose to make the Jews more useful and serviceable to the State, principally through

according their children better instruction and enlightenment, and by employing them in the sciences, arts, and handicrafts:

8. We permit and command the tolerated Jews, in places where they have no German schools of their own, to send their children to the Christian upper elementary schools, so that they shall learn at least reading, writing, and arithmetic, and although they have no synagogue of their own in Our capital, We yet permit them to build for their children, at their own expense, a normally equipped school, with a teaching staff of their own religion, which shall be subject to the same control as all the German schools here, the composition of the moral books being left to them.

9. In respect of higher schools, the permission enjoyed by them to attend these is herewith renewed and confirmed.

10. We permit them henceforward, here and elsewhere, to learn all kinds of crafts and trades from Christian masters, to hire themselves to the same as apprentices, or to work for them as journeymen, without, however, submitting either Jews or Christians to any compulsion.

11. We further permit them to practice any kind of trade, but without right of domicile or master's certificates, from which they are still excluded, and only under permit from the Magistracy in Vienna or the Government of Lower Austria for rural districts. Painting, sculpture, and the practice of the free arts are open to them as to Christians.

12. We also allow them complete freedom of choice between all uncontrolled [*unbürgerlich*] callings, and authorize them to apply for licenses as wholesale traders.

13. We further herewith permit and exhort them to establish manufactures and factories.

14. We further permit them to lend money on real estate and to secure their advances, but not to make the valuation themselves.

15. The use, orally or in writing, of the Hebrew and so-called Yiddish (Hebrew mixed with German) languages in any public judicial or extrajudicial procedures is forbidden henceforward; instead, the locally current language is to be used. A two years' grace from the day of issue of this Patent is allowed; thereafter all documents written in Hebrew or Yiddish will be invalid and null and void.

16. Jews may keep as many Jewish or Christian servants as their business requires, but are bound to submit a reliable register annually, and each head of a family must not only lodge his Jewish servants in his own house, but must also guarantee that they do not engage in any occupation forbidden to non-tolerated Jews.

17. The wives, husbands, and adult children of such Jewish servants who engage in occupations of their own must also be tolerated.

18. We lift the restriction of Jews to specified houses and permit tolerated Jews to lease their own accommodation where they please in the city or its suburbs.

19. We further abolish entirely the so-called personal toll on foreign Jews, and permit them free entry from time to time into Our capital, in pursuit of their business, without being compelled to find their accommodation and meals only in houses of tolerated Jews or in Jewish restaurants.

20. Since, however, the number of Jewish families established here is not to be increased, foreign Jews arriving here must report themselves immediately on arrival to the Lower Austrian Government, stating their business and the time they need to transact it, must await confirmation, and on expiry of the period

must either leave or apply to the Government for an extension. The police is to keep a close eye to see that these foreign Jews really leave, and the Christians or Jews with whom foreign Jews lodge are to report the same day to the Government.

21. Such visitors are accordingly not permitted to trade in objects reserved for specially licensed tradesmen and local tolerated Jews. They, and all others, are also forbidden to peddle in the streets or country districts, under pain of confiscation of the merchandise.

22. Such foreign Jews are, however, permitted to trade at annual fairs in all objects the importation of which is generally permitted and outside the fairs, in objects which can lawfully be sold by any foreign dealer. They are also permitted to buy, accept orders for, etc., permitted objects.

23. The double fees at present paid by Jews on official and judicial transactions are abolished, as are:

24. All present customary distinctive marks and discriminations, such as the wearing of beards, the prohibition on going out before noon on Sundays and holidays, on frequenting public places of amusement, etc., on the contrary, wholesale merchants and their sons, and university graduates, may carry daggers.

25. Since it is Our wish to place the Jewish nation, through these concessions, on a footing of near-equality with the followers of other foreign religions in respect of their occupations and the enjoyment of civic and domestic amenities, We do earnestly exhort them to observe strictly all political, civic, and judicial laws of the land, as applying to them equally with all other subjects, and to submit themselves in their affairs and their public and judicial transactions to the competent Provincial or local authority; and We look to their sense of duty and their gratitude that they do not misuse this Our grace and the freedom deriving from it to cause any public scandal by excesses and loose living, and nowhere to offend the Christian religion, nor to show contempt toward it and its servants; for misconduct of this kind will be most severely punished and will be visited on the offender, according to the circumstances, by expulsion from here and from all Our dominions.

Joseph II

Vienna, January 2, 1782

Source: C.A. Macartney, ed., *The Habsburg and Hohenzollern dynasties in the Seventeenth and Eighteenth Centuries*, in *Documentary History of Western Civilization*. New York, Evanston, and London: Harper & Row, 1970, pp. 165-69. Introduction, editorial notes, chronology, translations by the editor; and compilation copyright © 1970 by C.A. Macartney. Used by permission of HarperCollins Publishers.

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