



The "Edict of June 10, 1813 Regarding the Status of Persons of Jewish Faith in the Kingdom of Bavaria"

translated by
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Introduction

The Holy Roman Empire of the German Nation (962 to 1806 A.D.) came to an end under the combined onslaught of the French Revolution and Napoleon's armies. The Holy Roman Empire was a rather loose federation of princely and ecclesiastic states, the rulers of which elected the Emperor. Jews had first settled in this part of Europe during the sway of the original Roman Empire in the first century A.D. They lived in the various states by dint of special Letters of Protection from the local sovereign obtained by paying sometimes exorbitant tributes. In the so-called "Free Cities" which were governed by merchants and guilds, Jews resided totally at the mercy of the city elders. The result were frequent expulsions for the most threadbare causes, and occasional pogroms under the guise of Christian religious fervor.

Very few trades and occupations were open to the Jews between the Middle Ages and the Age of Enlightenment. Circumstantially these included money changing and lending, various forms of petty trading, and some special skills such as diamond cutting and jewelry making. Then there were positions and endeavors underpinning the Jewish communities of the day such as rabbis, cantors, teachers, scribes, medics, craftsmen specializing in religious artifacts, kosher butchers and bakers, as well as marriage brokers.

Although Emperor Joseph II (son of Maria Theresia) had introduced some liberalizing regulations relative to the Jews living in his domains (Tolerance Edict of 1782), it was not until the advent of the Napoleonic Age that local princes in southern Germany felt obliged to take a new look at the status of the Jews under their rule. Napoleon had initiated the emancipation of French Jews in 1806/07. There is little doubt that political, philosophical and economic considerations also influenced the decision makers of the time. The Bavarian Jews Edict of 1813 was a result of this underlying groundswell.

The text source for the following law, the "Jews Edict" in short, which for the first time regulated the legal standing of Jews in the young Kingdom of Bavaria (established in 1806) in a uniform manner, is: Karl Weber, *Neue Gesetz- und Verordnungen-Sammlung für das Koenigreich Bayern mit Einschluss der Reichsgesetzgebung* (New Collection of Laws and Regulations for the Kingdom of Bavaria with the Inclusion of Federal Legislation) Vol. I (Noerdlingen, 1880) pp. 417 - 423.

The Bavarian Jews Edict was very restrictive when compared objectively to the regulations of other German states at the time. Especially the paragraphs establishing the "Jews' Registry" (§1 to §13) caused considerable pressure toward emigration among non-firstborn children of Jewish families until those paragraphs were gradually abolished since 1861. As a result, the following legislation had incisive consequences for the course of Jewish history in Bavaria and for the lives of those governed by the Edict. Only after the lifting of the restrictions relating to freedom of movement, choice of occupation and ownership of real estate were the Jews of Bavaria enabled to fully participate in the development of middle class industrial society, leading to the blossoming of Jewish communities in large cities and a constant diminution of the rural Jewish population in the traditional settlement centers of Franconia, Swabia and the Upper Palatinate. The granting of full equal rights to all citizens regardless of their religious persuasion was finally achieved in Bavaria on August 8, 1919 with the

adoption of the "Bamberg Constitution", more than 100 years after the promulgation of the Jews Edict.

The original anachronistic text of the law was rendered into English as faithfully as possible to convey its intent while using terms and grammar which English speaking readers could understand. It is hoped that the flavor of the original 'Amtsdeutsch' (bureaucratic German) was somewhat preserved.

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Text from the Source Cited Above

Edict of June 10, 1813 Regarding the Status of Persons of Jewish Faith in the Kingdom of Bavaria as published in the *Regierungsblatt* (Government Journal), p. 921 and Doellinger 6 p.

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[I,] M[ax] J[oseph] I, [do hereby proclaim:] To afford persons of Jewish faith in our Kingdom a uniform constitution appropriate to the welfare of the state, we have concluded after consulting our Privy Council and decided herewith as follows:

§ 1 Only those persons of Jewish faith who have obtained citizenship in our provinces in a legitimate manner can acquire the civil rights and privileges proclaimed in this edict.

§ 2 For the enjoyment of these [rights and privileges], inscription in the Jews' Registry to be created by our police authorities is an indispensable precondition.

§ 3 To this end, all Jews currently in our Kingdom must within three months of the proclamation of this Edict, appear at the police authority of their place of residence to report their status, age, and occupation, number of family members, and to present notarized copies of their Letters of Protection, Concessions, or Residence Permits.

§ 4 This police office has to examine the submitted documents according to our preceding Edicts and Declarations of December 31, 1806 (Government Journal 1807 p. 199), of March 19, 1807 (Government Journal p. 476), and July 28, 1808 (Government Journal p. 1835), and when it finds the submitted documents valid to require from the Jews the following declarations:

1. Whether and which definite family name - should he not have one as yet - he wants to take and
2. whether he is willing to swear loyalty to the Kingdom [of Bavaria] as prescribed in the Constitution, Title I § 8.

§ 5 The Jews are not allowed to choose for their future family names those of well-known families, or those which are already frequently in use. However, Jews who have already been conducting a commercial enterprise under their former name, may keep that name alongside their new name.

§ 6 The police authority must present the resulting declarations to the General Commissariat [Regional Government] which is to decide whether the Jew is suitable for inclusion in the [Jews'] Registry or not.

§ 7 When the General Commissariat finds the Jew suitable for inclusion in the Registry he must swear the above prescribed loyalty oath to the Sovereign upon the Bible whereupon his name is placed in the Registry, and he is given an excerpt therefrom as his legitimation which will take the place of a Letter of Protection for him and his descendants.

§ 8 The Registry must contain the old and new name of the Jew's family, and be deposited with the General Commissariat. All subsidiary police departments are to receive their relevant excerpts.

§ 9 The Jew is obligated to use the name inscribed in the Registry in all his business transactions.

§ 10 Those Jews who within three months either

1. do not submit their Residence Permit or
2. do not choose to adopt a family name or
3. refuse to swear the loyalty oath

shall in the future be treated as **foreign Jews**.

§ 11 All immigration or settlement of foreign Jews in the Kingdom is prohibited.

§ 12 The number of Jewish families in places where there already exists a Jewish settlement is not allowed to increase as a rule, rather it should be gradually diminished if it is too large.

§ 13 The settlement [of Jewish families] exceeding the existing number in places where Jews already reside, or the settlement in places where there are no Jews as yet, can be authorized only at the highest level of authority, and then only subject to the following preconditions:

1. For the establishment of factories or large commercial enterprises;
2. For taking up a recognized trade if the applicant has attained a master's certification;
3. Upon the acquisition of sufficient land to farm on their own so that the family can successfully subsist from agricultural endeavors without engaging in petty trading on the side.

Therefore, the purchase of an insignificant piece of real estate, of a house without land to till, or without the intent of pursuing a significant trade, the establishment of an ordinary goods depot or storage shack, the pursuit of some minor, albeit permitted trade will give the Jews no right to settle either in their place of current residence above the firmly prescribed number or in any other locality.

§ 14 Also in the case of registered families, permission shall not be given for marriage within the peddler's trade even if the number of registered families would thereby not be increased; but the Jew seeking a wedding permit must, aside from demonstrating that the determined number [of families] would thereby not be exceeded, clearly demonstrate that he intends to pursue - to the exclusion of the peddler's trade - a legally sanctioned occupation with which he would be able to support himself and his family.

§ 15 To divert the Jews from their traditional insufficient and antisocial forms of occupation, and to open to them every permitted source of income compatible with their current status, they shall have access to all common civil occupations such as agriculture, skilled trades, the running of factories and manufactures, and generally recognized forms of commerce under the following regulations; by contrast, the currently prevailing peddler's trade is to be phased out gradually, but as expeditiously as possible.

§ 16 The Jews should therefore be permitted to acquire the full property and right of utilization (Dominium plenum et utile) of houses, fields and other real estate, and to use such property in any manner permitted by law. Jews are totally prohibited from exerting (Dominium directum) separate overriding property rights over real estate whose utilization rights devolve upon others; moreover, the acquisition and possession of landed rights is absolutely not permitted.

However, a Jew is permitted to acquire ownership of a property whose utilization rights he already possesses in order to acquire full title to his land.

Houses and parcels which the Jews do not want to acquire for their own dwelling use or to build on, but for purposes of resale, can be acquired only at public auction or in case of bankruptcy 'jure delendi' [with the right to separation of goods].

For the purchase of houses, even for one's personal dwelling, in the royal capital, the permission from the Court is required.

§ 17 The Jews can have their fields tended by Jewish or Christian hired hands. The utilization of foreign Jews, however, is not permitted. The leasing of tillable land is permitted to them, the letting is prohibited.

§ 18 The running of all manufactures, factories, trades and crafts, even those governed by guilds (with the exception of breweries, bars and restaurants) is permitted to Jews - when there is no impediment to their settlement - as it is to Christians.

Trades governed by guilds can be pursued by Jews only if they have proper guild certification. However, there are to be no Jewish guilds, but Jews who have attained adequate skill levels to pursue a trade, and who have obtained Personal Concessions or acquired common-law recognition [Realgerichtigkeiten] are permitted to apply for membership in existing guilds. Jews accepted by a master as apprentices or journeymen shall be treated by the guilds the same as Christian apprentices or journeymen [Details of apprenticeship steps are omitted here as irrelevant to the English speaking

reader]. The Jews are permitted to offer special premiums to Christian craft masters who accept Jewish children. It is understood that every Jew who has attained master's certification may himself accept and retain Christian and Jewish apprentices and journeymen.

§ 19 In the same manner, Jews shall be admitted to the [money] exchange trades as well as wholesale and retail commerce with standard bookkeeping practices (which must be conducted in the German language) if they can demonstrate adequate capitalization, good demeanor and the business capabilities prescribed by law, and after they have received a proper Commercial Concession according to currently recognized principles.

§ 20 All house-to-house sales, street peddling and black marketing shall be totally prohibited in the future and settlement of their practitioners absolutely forbidden. Only by those Jewish heads of household already legally settled who can for the present not find any other means of sustenance may these trades continue to be carried on until they can find another, orderly [i.e. societally recognized] occupation toward which the police authorities will know how best to cooperate.

House-to-house selling is subject to special police regulations.

§ 21 All Jewish Corporations [autonomous religious communities] still existing in the Kingdom are herewith dissolved, the corporation staffs dismissed, and the corporation debts devolved upon those political subdivisions within which each Corporation had been formed, with full guaranties for all creditors. This dissolution shall become effective six months after the proclamation of this Edict, and the General Commissariats, in whose jurisdiction such Corporations exist are instructed to deliver to the Ministry of the Interior a detailed report concerning the proposed plan of action for the dissolution of each specific Corporation, and an overall proposal concerning the distribution of debts.

§ 22 The Jews living in various localities of our Kingdom, whether they make their living from generally accepted occupations or still from unrecognized endeavors such as peddling, will not constitute separate Jewish communities; rather they will join Christian inhabitants of the locality with respect to communal affairs and form with them one community. They share with the rest of the residents the municipal rights and obligations, but with the proviso that Jews still engaged in unsanctioned petty trading will not be allowed to utilize the publicly owned municipal grounds in the towns of their residence (unless they have already enjoyed such privileges, which they shall continue to enjoy). Jews engaged in agriculture or in properly licensed occupations will enjoy the full rights of community members with respect to communal lands.

§ 23 Persons of Jewish faith in the Kingdom are assured total freedom of conscience. They enjoy all rights granted to private church associations by the Edict of March 24, 1809, Chapter 2, Section II (Government Journal 1809 St. XL. p. 904 etc.) to the extent that they have not been changed or more precisely defined in this current regulation.

§ 24 Where the Jews constitute a number of at least 50 families in a given district which is coterminous with a political subdivision of the Kingdom, they are allowed to form their own religious congregation, and in towns having a police department, they may have a synagogue, a rabbi and their own burial place.

§ 25 Where they do not form a religious congregation, they are limited to simple home worship, and all secret get-togethers under the pretext of a domestic religious service are prohibited according to § 6, Chapter 1, Section I of the Edict of March 24, 1809 (Government Journal 1809, St. XL. p. 899).

Where a synagogue exists, no one except the rabbi or an authorized substitute may perform religious functions.

§ 26 The local rabbis and substitutes are to be proposed by the members of the congregation, reviewed by the County General Commissariat, and approved or disapproved according to its findings. Those persons approved cannot be dismissed without permission from the General Commissariat.

§ 27 A Jew proposed for the position of rabbi or substitute-rabbi must be

- a. registered as a royal subject in the Jews' Registry,
- b. know the German language and be generally well educated,
- c. above suspicion concerning profiteering or deceptive financial practices, and otherwise be of good and moral character.

§ 28 Upon his confirmation, a rabbi must swear a solemn oath to the effect that he will always obey the laws of the Kingdom, that he will neither teach nor permit anything directed against them, that, should he learn of any such activity, he will notify the authorities thereof faithfully, and that he shall not get involved in any way with foreign leadership personalities.

§ 29 The regulations contained in the three preceding articles also apply to rabbis currently in office.

§ 30 The scope of the rabbis' activities is to be totally limited to religious ministrations; all exercise of jurisdiction, under whatever pretext, and all interference of rabbis or parnasim [congregation leaders] in civil or community affairs is prohibited under threat of serious punishment to include fines, incarceration, or, depending on circumstances, even dismissal. Any such activity is, in and of itself, null and void. Consequently, the Jews must, like all other subjects, seek justice from our [Bavarian] authorities, and all laws of our Kingdom also apply to them, unless those laws contain exceptions with respect to the Jews.

§ 31 Jewish congregational property remains entirely under the control of the congregational leadership. It is to be administered in each congregation by the rabbi and two elected members of the congregation.

§ 32 Jewish children of both genders are obliged to attend public schools in town and country, just like the children of our other subjects; they are to receive there, with the exception of religious classes, the same instruction, subject to existing regulations concerning the schools and the educational system. Entrance to institutions of higher learning is permitted to them.

§ 33 Jews are allowed to establish schools of their own, if they employ properly educated and examined teachers who are royal subjects and are assured a salary of at least 300 fl [Guilders]. They must teach according to the General Plan of Instruction [established by the Bavarian government].

The use of tutors is governed by the existing regulations.

§ 34 Permission to study Jewish theology should not be granted to any Jewish youth who has not successfully completed a suitable preparatory course of study at one of the Kingdom's public institutions of higher learning.

In these Regulations the Jews resident in our Kingdom will gratefully recognize the proof of our great concern which extends to the well-being of all our subjects. Our entire police establishment will have to strongly cooperate in putting this Edict into precise practice everywhere for which purpose We endeavor to make it generally known by its publication in the Government Journal.

Munich, the 10th of June 1813.