

## Snapshots: Emancipation of the European Ghetto



Patent of  
Tolerance, 1781

### 1. Edict of Toleration for the Jews of Lower Austria<sup>1</sup>

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... 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... 10. We permit them henceforward, here and elsewhere, to learn all kinds of crafts and trades from Christian masters...

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

### 2. Words of Peace and Truth (דברי שלום ואמת), Naftali Herz Wessely (1782)<sup>2</sup>

In general, "human knowledge" is comprised of etiquette, the ways of morality and good character, civility and clear, graceful expression; these matters and their like are implanted in man's reason. He who possesses "human knowledge" will gain much from the poetic expression of the divine Torah and from the ways of God that are written therein. . . . Similarly, history, geography, astronomy and the like—which are inscribed in the mind of man as innate "primary ideas" whose foundation is reason—produce truths in every matter of wisdom. Included in this category of knowledge are the natural sciences, which provide genuine knowledge about all things: animals, plants, minerals, the elements, meteorology (clouds and their effects), botany, anatomy, medicine, chemistry, etc. †

There is one people in the world alone who are not sufficiently concerned with "human knowledge" and who have neglected the public instruction of their youth in the laws of etiquette, the sciences and the arts. We, the children of Israel, who are dispersed throughout all of Europe and who live in most of its states, have turned our backs on these studies. Those among us who dwell in Germany and Poland have been especially negligent in this regard. Many among them are men of intelligence and great understanding, and many are also men of faith and piety, but from childhood their exclusive preoccupation has been God's laws and teachings. They have not heard of or studied "human knowledge." They are ignorant

<sup>1</sup> [http://germanhistorydocs.ghi-dc.org/sub\\_document\\_s.cfm?document\\_id=3648](http://germanhistorydocs.ghi-dc.org/sub_document_s.cfm?document_id=3648)

<sup>2</sup> Excerpts from *The Jew In The Modern World*, Mendes-Flohr & Reinharz, pgs. 70-71

3. A Sermon Contra Wessely, R. David B. Nathan Of Lissa (1782)<sup>3</sup>

Beware! This man, Wessely, is an impious man. Beware, do not draw near to him! God, the Lord of Hosts, knows that for the sake of the glory of your Holy Torah I have come this day to hew down he who tramples upon the heads of your Holy People, and to make known to You the evil machinations of this man. In my perusal of his small book I have noted that the spirit of sin animates it. This book seeks to lead the masses astray and to mislead children just out of the womb so that they will not know the paths of Torah and piety. Wessely's counsel is that of a renegade. So that the people should heed him, this imposter associates his sacrilegious ideas with the great and majestic thoughts of His Majesty the Emperor.

ence and craft. . . . But this imposter, Wessely, perverts and distorts the counsel of His Majesty, the Emperor, claiming that he commanded that Jewish children shall no longer attend schools [which teach a traditional Jewish curriculum]. . . . This is a prevarication. Far be it for any intelligent man to think this of the righteous and sincere lover of mankind and leader of nations, his most pious Majesty the Emperor. In the abundance of his righteousness he actually wishes to strengthen the fortress of religion, each man according to his faith.

Our children shall study the sciences as an adornment; however, the foundations of their education will be in accordance with the command of our ancient sages of the Talmud. Our children shall be taught Torah, ethics, Mishnah and Talmud. Wessely, a foolish and wicked man, of coarse spirit, is the one who lacks civility. A carcass is better than he! Whom does he seek to defame and

4. Sermon on Wessely and the Edict of Tolerance, R. Yechezkel Landau (1782)<sup>4 5</sup>

This may have been intended by the author of the [Passover] Haggadah in the passage beginning, "This is like the bread of affliction." That passage ends, "Now we are here, next year may we be in the land of Israel. Now we are slaves, next year may we be free." . . .

The author of the Haggadah was warning us not to become insolent and arrogant. Even if there should be a gracious and compassionate king who abundantly helps us,

we should inwardly know that we are in a land not our own, and that we should remain submissive to the peoples of that land. . . .

But now, because of our many sins, I have seen everything overturned. How can one envy the study of Torah, when an evil man<sup>8</sup> has arisen from our own people and brazenly asserted that the Torah is not all important, that an animal carcass is worth more than talmudic scholars, that etiquette is more vital than the Torah?<sup>9</sup> This man is certainly blind to his own faults. He is worse than an animal carcass, and in the end his corpse will lie like dung upon the field!

Therefore, His Majesty the emperor has done us a great favor in commanding us to learn the language grammatically so that we can speak it properly, as I stated in a sermon last winter. Even in the time of the last prophets, the king commanded that Daniel, Hananiah, Mishael and Azariah be taught the literature and language of the Chaldeans, and they distinguished themselves both in this area and in their knowledge of Torah and their performance of good deeds.

Those who fear the Lord have eyes to see, and they will be able to master both, making Torah the basis, yet also learning to speak correctly and behave according to the patterns that guide a person on the right path.<sup>11</sup> "Torah unaccompanied by labor will eventually come to naught," but most of our labor

<sup>3</sup> Excerpts from *The Jew In The Modern World*, Mendes-Flohr & Reinharz, pgs. 74-75

<sup>4</sup> Excerpts from *The Jew In The Modern World*, Mendes-Flohr & Reinharz, pgs. 77-78

<sup>5</sup> "What seemed to upset Landau the most was that Wessely had undermined the value of Torah and traditional Jewish education. This education consisted of learning the five books of Moses from a young age and after a number of years learning the oral tradition. Traditional Jews did not see observing their religion as a choice, but rather as an obligation. The education was not to merely teach the texts and laws of Judaism, but rather to give each individual the understanding of an all encompassing system that allowed them to implement into their lives the lessons from the texts and laws in both a physical and spiritual sense. Landau criticized Wessely: "How can one envy the study of Torah, when an evil man has arisen from our own people and brazenly asserted that the Torah is not all important, that an animal carcass is worth more than Talmudic scholars, that etiquette is more vital than Torah?"# In Landau's eyes, Wessely was challenging the very foundations of traditional Judaism, and this blatant affront was essentially what upset Landau." (*Landau's Sermon on Wessely and the Edict of Tolerance*, Kleinberg p. 4)

### **5. Mishna, Moed Katan 3:1**

These may shave during the intermediate days [of the festival]: one who arrives from a land [beyond] the sea, or from a house of captivity, or one released from prison, or an excommunicated person whom the Sages have released. So too, he who has consulted a Sage and been released [from a vow], the *nazir* [a person who vows to avoid corpse impurity, refrain from cutting his hair and abstain from all grape products], and the leper who has ascended from his [state of] impurity to [his state] of purity.

### **6. Talmud Bavli, Moed Katan 13b**

The members of the priestly watch and the members of the non-priestly watch are prohibited from cutting hair or laundering. But on the Thursday they are permitted in deference to Shabbat. And Rabba bar bar Hana said in the name of Rabbi Elazar: What is the reason? In order that they not enter their watch when they are untidy. Here, too, in order that they not enter the Festival when they are untidy.

### **7. Responsa Nodah B'Yehuda (R. Yechezkel Landau, 18th c.), M"K, O"C #13**

**שאלה:** נשאלתי היום אם מותר לגלח ע"י משיחה בחוה"מ. ולפי שהיו מצטערין ביותר אלו הרגילים לגלח זקנם. והנה אסרתי לחלוטין כיון שכל הפוסקים נחלקו על ר"ת שרצה לומר שמי שגילח בערב הרגל מותר לו לגלח ברגל. והנה נתתי לבי שגברא רבה אמר מלתא אין מזיחין ולא מזניחין וק"ו דבר זה שרבינו הגדול ר"ת אמרו חייבין אנו למשכנוי אדרב: והנה כל הפוסקים דחו דבריו דא"כ למה לא נזכר דבר זה במשנה ואלו מגלחין היה לו לחשוב גם מי שגילח בערב הרגל

...אבל הפרש גדול יש בין אם האיסור מצד מלאכה שאז מותר ע"י פועל שאין לו מה יאכל. ואם האיסור מצד שלא יכנס כשהוא מנוול לא מהני ע"י פועל עני. ובמשנה לא קחשיב רק מה שמותר לחלוטין ע"י כל פועל משא"כ זה מותר רק ע"י עני. ובזה אתיין שפיר דברי ר"ת ואולי גם שאר פוסקים יודו להתיר ע"י פועל עני...ולכן נלפע"ד שעכ"פ אם גילח בערב הרגל שכבר יש לנו עמוד של ברזל לסמוך על רבינו תם ואף שחלקו עליו הפוסקים כולם מ"מ ע"י פועל שאין לו מה יאכל נלע"ד להתיר. ובפרט למי שהולך ובא אצל השרים ודוכסים ורגיל לספר בכל עת שצער גדול הוא לו בגופו לגדל שער וגם ללעג ולקלס בעיני השרים. שמותר לאיש כזה לסמוך על היתר הנ"ל

**Question:** I was asked today if it's permissible for one to shave on Chol HaMoed. Those who shave regularly are very uncomfortable after many days of being unable to shave. I outright prohibited this since all of the *poskim* argued with Rabbeinu Tam who wanted to say that for one who shaves on *erev Yom Tov*, they would be permitted to shave during the Yom Tov. All of the *poskim* rejected his words saying that otherwise the Mishna would have mentioned in the list of those permitted to shave one who shaved before the Yom Tov.

There is a big difference if the prohibition is due to forbidden activity, then it would be permitted if it was performed by a poor barber. If the prohibition is “in order that they not enter the Festival when they are untidy”, then it wouldn’t help to have a poor barber. The Mishna was only including cases where it was completely permitted for the individual, whereas in this case, it’s only permitted by a poor barber. With this, Rabbeinu Tam’s words are upheld, and perhaps the other *poskim* would agree with this *heter* through a poor barber.

Therefore, it appears to me if one shaved on the eve of the festival, we have Rabbeinu Tam to rely on, even though the *poskim* argued with him, nonetheless through a poor barber it would be permitted. In particular for one who frequents with the noblemen and the dukes, and shaves regularly where it causes him great discomfort to grow the beard and embarrassment and mockery from the noblemen. A person such as this may rely on this *heter*.

**8. On the Curtailment of the Jewish Juridical Autonomy, Moses Mendelssohn (1782)**

... All societies have a right of expelling members; religious ones only have not: for it runs diametrically contrary to their principle and object, which is joint edification and participation in the outpouring of the heart, by which we evince our thankfulness to God for the many bounties he bestows on us, and our filial trust in his sovereign goodness and mercy. Then, with what conscience can we deny entrance to dissenters, separatists, misbelievers, or sectarians, and deprive them of the benefit of this edification? For rioters and disturbers there is the law and the police; disorders of that kind may, nay must, be restrained by the secular arm. But a quiet and inoffensive attendance at the [religious] meeting may not be forbidden even to an offender, unless we purposely want to bar him from every road to reformation... I have that confidence in the more enlightened amongst the Rabbis, and elders of my nation, that they will be glad to relinquish so pernicious a prerogative, that they will cheerfully do away with all church and synagogue discipline, and let their flock enjoy, at their hands, even that kindness and forbearance, which they themselves have been so long panting for...All the nations of the earth, hitherto, appear to have been infatuated by the error, that religion can be maintained by iron force—doctrines of blessedness inculcated by unblest persecution—and true notions of God, who, as we all acknowledge, is love itself, communicated by the workings of hatred and ill-will only. You, perhaps, let yourselves be seduced to adopt the same system; and the power of persecuting was to you the most important prerogative which your own persecutors could bestow upon you. Thank the

God of your forefathers, thank the God who is all love and mercy, that that error appears to be gradually vanishing. The nations are now tolerating and bearing with one another...Imitate the virtues of the nations whose vices you hitherto thought you must imitate. If you would be protected, tolerated and indulged, protect, tolerate and indulge one another.

**9. Responsa Chatam Sofer (R. Moshe Sofer, Hungary, 18th c.), Y"D #338**

נתלה באילן גדול בתשרי יעב"ץ ח"ב ודמיונו וזכרונו  
 נחוב לו כי לא נמצא שם כן. אך בספרי המאספים  
 ובס' בכורי העתים [שנת חקפ"ד ע' ר"כ] נמצא  
 אגרות משנת תקל"ב שהחכם רמ"ד טען להתיר  
 איסורן של חכמי ישראל, באמרו כי רופאי זמנינו  
 אמרו שאין נודע גבול המגביל בין חיים למות וא"א  
 אלא בעיכול הבשר. והביא ראיתו ממחנה סוף מס'  
 נדה [ס"ט ע"ב] הוב והזבה והנדה וכו' מטמאין  
 [במשא] עד שיתעכל הבשר, וכן פסק הרמב"ם [הל'  
 מטמאי מו"מ פ"ו ה"ד]. ועוד מריש פרק ח' דמסכת  
 שמחות שמבקרים על המתים עד ג' ימים ופ"א חי  
 אחד אחרי כן כ"ה שנים והוליד בנים, וא"כ ק"ו  
 ומה משום כבודו של מת מלינים להביא לו ארון  
 ותכריכים כש"כ מפני פקוח נפש, וכ' מאד, חפרו  
 בכוכין והיה אפשר לדפוק על קברו, אבל בזמנינו  
 שקוברין בארץ ממש על כרחך להלינו, אלו דבריו.

**יקרתו** הגיעני, ונפשו היקרה בשאלתו נידון עיר  
 אחת שהרופא כהן ומנימוסי המדינה שאין  
 המתים נקברים עד אחר שבדקו הרופא ומעיד עליו  
 שנתיאש אחר נפלו, אם מותר לכהן ליכנס אפי'  
 ליגע לבדוק כנ"ל. וחפץ מעלתו להתיר, ובנה יסודו  
 על ב' דברים, א) אם הדור שלפנינו התירו הלנת  
 מתים שהוא בעשה ול"ת והתירו משום ספק נפשות  
 ה"ה יש להתיר כאן, ב) נתלה בשו"ת בית יעקב  
 [ס' ק"ל] שפלפל אם להתיר לכהן ליכנס לחולה  
 גוסס:

**הנה** בקראי דברים אלו יוצאים מפה גברא דכוותיה  
 עמדי מרעיד ונבהל מאד מי הוא זה ואיזהו  
 שהתיר בדור שלפנינו הלנת מתים, ולהתיר ע"פ  
 חכמי ישראל לא שמעתי ולא ראיתי. והנה פר"מ

**10. Devarim 23:16-17**

Do not deliver to his master a slave who has escaped from his master. He shall dwell in your midst with you, in the place he shall choose in one of your gates, where it is good for him; you shall not oppress him

**11. Shemot 21:14**

If a person shall maliciously kill another with guile, he shall be taken to die (even) from my altar

**12. Moreh Nevukhim (R. Moses b. Maimon, Egypt, 12th c.), 3:39**

It is written: You shall not deliver a slave to his master. Aside from being a matter of mercy, this mitzva has a great utilitarian value, which is to inculcate in us this noble trait; namely, to grant protection to one who requested your protection, to defend him, and not deliver him to he from whom he fled. It is not enough that you grant protection to one who requested your protection, but you are further obligated to care for all his needs and be good to him.... Parallel to this command, (we are commanded) not to give protection to an evil malicious person who asks for our protection. We do not pity him or free him of any guilt, even if he is the greatest and noblest of men. This is as written, "he shall be taken to die from my altar." This person requested protection from God, and grasped that object which is dedicated to His name, and God did not grant him protection. Rather, He commanded to turn him over to the officer of justice from whom

he fled. This is surely so if he requested protection from a mortal man. It is not proper to grant him protection or pity him, for pity for the evil-doing wicked is cruelty to mankind.

**13. Shulchan Aruch (R. Yosef Karo, Israel, 16th c.), C" M 388: 9, 12**

It is prohibited to deliver a Jew, both his person and his property into the hands of non-Jews even if he was wicked and a criminal, and even if (the criminal) was harassing him... It is permitted to deliver one who harasses the community and causes them to suffer into the hands of non-Jews in order to beat, imprison, or fine him, but not one who causes an individual to suffer. **Rama:** If one is engaged in forgery or the like, and it is possible that the community will be harmed, he should be warned not to do so; if he does not listen, we can deliver him and say (to the authorities): no one else engages (in forgery) other than he. One who endangers the community, e.g., if he engages in forgery in a locality where the authorities forbid it, has the status of a "*rodef*", and it is permitted to deliver him to the authorities.

**14. Aruch Hashulchan (R. Yechiel Michel Epstein, Belarus, 19th c.) C" M 388:7**

Everyone who is familiar with history knows that in ancient times, in distant lands, no man was safe in his person or property from robbers and extortioners, even if they bore an official title, as is known even today in some lands in Africa, where the government officials commit robbery and theft. We commend the kings of Europe, especially our Master His Royal Highness the Czar, his ancestors the czars, and the kings of Britain, who extended the rule of their governments over distant lands in order that each and every man be secure in his person and property, so that the rich need not conceal themselves in order that their property not be taken and they be killed. All the laws of informers and delivery (of Jews and their property to non-Jews) in the Talmud and the codes which we shall presently explicate revolve around this point, as one who informs on his fellow and delivers him into the hands of these robbers is pursuing him in his person and property, and therefore we save him (at the expense of) the life (of the pursuer).