

the authorities. Regarding the execution of this ban, the state should interfere less when it does not go beyond a religious society and has no effect on the political society, for the excommunicated member of any church can be a very useful and respected citizen. This is a principle of general church jurisprudence which should no longer be doubtful in our times.

The written law of Moses, which do not refer to Palestine and the old judicial and ritual organization, as the oral law are regarded by the Jews as permanently binding divine commandments. Besides, various commentaries to these laws and argumentations from them by famous Jewish scholars are held in the same respects as laws. Therefore, if they are to be granted full human rights, one has to permit them to live and be judged according to these laws. This will no more isolate them from the rest of the citizens of the state than a city or community living according to their own statutes; and the experience made with Jewish autonomy during the first centuries in the Roman Empire as also in some modern states has shown that no inconvenient or detrimental consequences are to be feared. Although this does not necessarily mean that the laws should be administered by Jewish judges, this would always be more agreeable to them and would avoid many difficulties arising from ignorance of the complicated Jewish jurisprudence in Christian judges which requires the knowledge of the Hebrew language and Rabbinnics. It would therefore be better to leave litigation between Jew and Jew in civil cases to their own judges in the first instance, but also to permit the Jews to start court proceedings at the court of the regular Christian judges. These courts as well as the higher instances to which Jews might appeal from the decision of the Jewish judge, would of course have to decide according to Jewish laws; for if they would decide according to the common law great confusion would be unavoidable, and besides the litigants would have the unfair advantage that he could file his claim with the Judge whose decision he would expect to be favorable to him. I think,

Jewish judges could also (like in Anspach and Baireuth, in Alsace and other countries) take care of the business of notaries and, under supervision of the authorities decide on inheritances, appoint guardians, etc. . . .

A constitution shaped according to these principles would, it seems to me, bring the Jews into society as useful members and at the same time would abolish the many ills that have been done to them and of which they were forced to make themselves guilty. Men of higher insight will decide if my assertions are correct, my proposals feasible. . . .

Now I want to touch upon some objections which might be made to my proposals. . . . The most serious reason for asserting that the Jews cannot obtain equal rights with the rest of the citizens is the belief "that the Jews are prohibited by their religion from serving in the army, because their Sabbath regulations forbid them to fight on the Sabbath, to make extended marches, and because they would not be able to fulfill their religious obligations and customs when in the army. . . ." [However,] there is not the slightest indication of this in the Mosaic law, and up to the destruction of the First Temple we do not find anywhere a remark that the Jews, in their numerous wars, refrained on the Sabbath from defense against their enemies or attack upon enemy armies. . . .

[Further,] just as usual were the military services of this nation under the Pagan and the first Christian emperors, until in 418, the emperor Honorius ruled the Jews to be incapable of serving in war, and so founded a prejudice which he himself uttered not without some doubts, but which in later times took root and will not be quite hard to destroy. . . .

It is therefore not to be doubted that the Jews, too, will fulfill the obligation to defend the society which has given them equal rights. Of course, this improvement of the Jews in general must not be expected immediately in the coming generation. It is natural that a nation estranged to carrying fire-arms for fifteen centuries will not be able to acquire immediately along with the good