
THE FRENCH NATIONAL ASSEMBLY

1. Declaration of the Rights of Man and of the Citizen (August 26, 1789)¹

Article I. All men are born and remain, free and equal in rights: social distinctions cannot be found but on common utility. . . .

10. No person shall be molested for his

opinions, even such as are religious, provided that the manifestation of these opinions does not disturb the public order established by the law.

NOTE

1. After the fall of the Bastille on July 14, 1789, a revolutionary National Assembly set out to dismantle France's feudal monarchy and to establish a constitutional democracy. With the Declaration of the Rights of Man and of the Citizen, inspired

by the Declaration of Independence of the United States, the National Assembly transcribed the slogan of the French Revolution—"liberty, equality and fraternity"—into law. It became the basic law of the French constitution.

Source: Benjamin Flower, ed. and trans., *The French Constitution* (London, 1792), pp. 17-18.

THE FRENCH NATIONAL ASSEMBLY

2. Debate on the Eligibility of Jews for Citizenship (December 23, 1789)¹

MONSIEUR THE COUNT OF CLERMONT-TONNERRE:² You have, by the Declaration of Rights, secured the rights of men and of citizens. You have irrevocably established the conditions of eligibility for the administrative assemblies. It seemed that there was nothing further to do in this regard. One honorable member has in the meantime informed us that non-Catholic inhabitants of several parts of the provinces have been seeing their rights challenged by motives drawn from the very laws made in their behalf. Another has called your attention to citizens who find in their professions obstacles to

their enjoyment of the same rights. I have thus two issues to examine: exclusion related to profession and exclusion related to religion. . . .

I will deal now with religion. You have already addressed this point in stating in the Declaration of Rights that no one shall be persecuted for his religious beliefs. Is it not profound persecution of the citizen to want to deprive him of his dearest right because of his opinions? The law cannot affect the religion of a man. It can take no hold over his soul; it can affect only his actions, and it must protect those actions when they do no

Source: Achille-Edmond Halphen, *Recueil des Lois, Décrets, ordonnances, avis du conseil d'état, Arrêtés et Règlements concernant les Israélites depuis la Révolution de 1789* (Paris, 1851), pp. 184-89. Trans. by J. Rubin.

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harm to society. God wanted us to reach agreement among ourselves on issues of morality, and he has permitted us to make moral laws, but he has given to no one but himself the right to legislate dogmas and to rule over [religious] conscience. So leave man's conscience free, that sentiments or thoughts guided in one manner or another towards the heavens will not be crimes that society punishes by the loss of social rights. Or else create a national religion, arm yourself with a sword, and tear up your Declaration of Rights. [But] there is justice, there is reason. . . .

Every religion must prove but one thing—that it is moral. If there is a religion that commands theft and arson, it is necessary not only to refuse eligibility to those who profess it, but further to outlaw them. This consideration cannot be applied to the Jews. The reproaches that one makes of them are many. The gravest are unjust, the others are merely wrong. Usury, one says, is permitted them. This assertion is founded on nothing but a false interpretation of a principle of charity and brotherhood which forbids them to lend at interest among themselves. . . . Men who possess nothing but money cannot live but by making that money valuable, and you have always prevented them from possessing anything else. . . . This people is insatiable, one says. This insatiability is [how-
ever] not certain.

The Jews should be denied everything as a nation, but granted everything as individuals.³ They must be citizens. It is claimed that they do not want to be citizens, that they say this and that they are [thus] excluded; there cannot be one nation within another nation. . . . It is intolerable that the Jews should become a separate political formation or class in the country. Every one of them must individually become a citizen; if they do not want this, they must inform us and we shall then be compelled to expel them. The existence of a nation within a nation is unacceptable to our country. . . . The emperor admitted the Jews to all ranks, to all duties. They exercised in France the most

important public functions. One of our colleagues has authorized me to say that several Jews contributed to his election. They are admitted to the military corps; when I was chairman, a patriotic gift was brought to me by a Jew, a national soldier. . . .

The Jews must be assumed to be citizens as long as it is not proven that they are not citizens, as long as they do not refuse to be citizens. By their petition,⁴ they demand to be considered as such; the law must recognize a right that prejudice alone refuses. But, one says, the law does not rule over prejudice. That was true when the law was the work of one man only; when it is the work of all, that is false.

It is necessary to explain oneself clearly on the position of the Jews. For you to keep silent would be the worst of evils. It would be to have seen the good and not to have wanted to do it; to have known the truth and not to have dared to speak it; finally it would be to place on the same throne prejudice and law, error and reason. . . .

MONSIEUR DE LA FARE, bishop of Nancy:⁵ My arguments and my evidence could not add anything to what M. l'abbé Maury⁶ has said. Placed close to a great number of Jews by the functions with which I am honored, I must present to you my observations of them, and I will limit myself to that.

The Jews certainly have grievances which require redress. Rights enacted by this legislature should be revoked without forgetting that the Jews are men and are unhappy. It is necessary to grant them protection, security, liberty; but must one admit into the family a tribe that is a stranger to oneself, that constantly turns its eyes toward [another] homeland, that aspires to abandon the land that supports it; a tribe that, to be faithful to its law, must forbid to the individuals who constitute it its entrance into armies, the mechanical and the liberal arts, and into the employ of the civil courts and municipalities; a tribe that, in obeying both its own law and the national law, has 108 valueless days in the year?

In all fairness, I must say that the Jews

have rendered great service to Lorraine, and especially to the city of Nancy; but we are faced with a pressing situation. My evaluation [of the situation] obliges me to stand against the motion that has been put before you.

The interest of the Jews themselves demands this stance. The people detest them; in Alsace the Jews are often the victims of popular uprisings. In Nancy, four months ago, people wanted to pillage their homes. I went to the site of the agitation and I asked what complaint they had to make. Some claimed that the Jews had cornered the wheat market; others, that the Jews banded together too much, that they bought the

most beautiful houses and that soon they would own the whole city. One of the protesters added: "Yes, Monsieur, if we were to lose you, we would see a Jew become our bishop, they are so clever at taking possession of everything."

A decree that would give the Jews the rights of citizenship could spark an enormous fire. Once they obtained a similar favor from the Parliament of England, but immediately the bakers refused them bread, and these unfortunate Jews very soon demanded the repeal of the bill.

I propose to establish a committee which will be charged with the revision of all the legislation concerning the Jews.

NOTES

1. It would have been logical for the Declaration of the Rights of Man and of the Citizen to have embraced all the denizens of France regardless of religion. Abbé Grégoire, for one, assumed that it would be sufficient to assure equal rights for the Jews and that no special legislation would thus be necessary. But the Assembly hesitated, continually postponing the decision as to whether the Jews of France were indeed included within the purview of the declaration. The issue of Jewish citizenship was immediately prompted by reports from the province of Alsace that the peasants, riding on the crest of revolutionary enthusiasm, had rioted against the Jews. The Jews of Alsace and of the neighboring province of Lorraine, numbering about 30,000 (or eighty percent of the Jewish population of France), were Yiddish-speaking and traditional. With few exceptions they earned their livelihood through peddling, grain and cattle trading and petty money lending—pursuits that recurrently brought them into conflict with the local peasantry. The speeches in this document are from the debate in the Assembly on December 23, 1789. On the following day the debate was adjourned, and as was typical no decision had been reached.

2. Count Stanislas de Clermont-Tonnerre (1752–1792), French revolutionary, deputy to the National Assembly and consistent advocate of equal rights for the Jews.

3. I.e., citizenship requires that the Jews relinquish their national distinctiveness and judicial autonomy or separateness.

4. The count is referring either to the address of the Jews of Paris to the Assembly or to that of the community of Alsace and Lorraine in which they petitioned for full citizenship. (See *Adresse présentée à l'Assemblée Nationale le 26 août 1789, par les Juifs résidant à Paris [près 1789]*; *Adresse présentée à l'Assemblée Nationale, 31 août 1789, par les députés réunis des Juifs établis à Metz, dans les Trois Evêchés, en Alsace et en Lorraine* [1789].) He may also be referring to Berr Isaac Berr's speech before the Assembly on behalf of the Jews of Alsace-Lorraine on October 14, 1789.

5. Anne-Lois Henry de la Fare (1752–1829), bishop of Nancy, Lorraine, and vigorous opponent of Jewish civil rights. His speech before the Assembly was reprinted and widely read. See *Opinion de M. l'évêque de Nancy, député de Lorraine sur l'admissibilité de Juifs à la plénitude de l'état civil et des droits de citoyens actifs* (Paris, 1790).

6. Abbé Jean Sieflein Maury (1746–1817), delegate from Peronne near Lyons. In opposing an increase of Jewish rights, he argued that by virtue of their religion the Jews were alien to France and that, moreover, their malevolence was incorrigible.

1685] and where the principles of natural right are still so neglected that we are completely amazed by the tiny dwarf's steps taken in the reform of legislation.

They will be forced to attribute this reticence to something or to someone: and wherever their suspicion settles, neither advantage nor glory can come of it.

I therefore take the liberty, Sir, of imploring you to do whatever you can to reestablish this little phrase. I imagine that one has the intention of making Protestants a bit satisfied; for what is the good of a law if it proves to them that one has sought to assure the peace of mind of the ministers of government but not the peace of mind of the Protestant ministers. . . . I would not abuse your good will, Sir, if I was not entirely convinced that, without this article, one has accomplished almost nothing and that absolute silence on this matter will outrage the Catholics themselves and all of Europe. Thus, for the honor itself of the government, I will take care to say it again and again to the end of my strength; for, once the moment has passed, one would regret having refused such a simple request.

I beg your pardon, Sir, for the liberty that I continue to take until the moment when I will have nothing else to importune you with than the testimonials of an immortal recognition.

I am with profound respect, dear Sir, your humble and very obedient servant,
Rabaut Saint Etienne

5

ZALKIND HOURWITZ

Vindication of the Jews

1789

In 1789, forty thousand Jews lived in France, most of them in the eastern provinces of Alsace and Lorraine. In some respects, they were better treated than Calvinists under the laws of the monarchy; Jews could legally practice their religion, although their other activities were severely restricted. They had no civil or political rights, except the right to be judged by their own

Apologie des Juifs, en réponse à la question: Est-il des moyens de rendre les Juifs plus heureux et plus utiles en France? (Paris: Chez Gattey et chez Roger, 1789).

separate courts, and they faced pervasive local prejudice. The major Jewish communities—in the city of Bordeaux in the southwest and the regions of Alsace and Lorraine in the east—essentially constituted separate “nations” within the French nation (and nations separate from each other since their status differed in many ways).

In 1787 and 1788 the Royal Society of Arts and Sciences of the city of Metz in eastern France set up an essay competition on the question “Are there means for making the Jews happier and more useful in France?” Its two thousand Jews gave Metz the single largest Jewish population in the east. Among the three winners declared in 1788 was Zalkind Hourwitz (1738–1812), a Polish Jew. His pamphlet rapidly earned him a reputation in reformist circles, even though by today's standards its language seems moderate, if not excessively apologetic. The excerpt here represents what might be called the “assimilationist” position, that is, that granting rights to the Jews would make them more like the rest of the French. At times the author's own arguments sound anti-Semitic to our ears because in his concern to counter all the usual stereotypes about the Jews, he repeats many of them and gives them a kind of credit. As a follower of the Enlightenment, Zalkind Hourwitz disliked the extensive powers exercised by Jewish leaders over their communities, and he even held out the possibility of encouraging conversion to Christianity. The inclusion of such a suggestion and the defensive tone of the recommendations for improvement highlight the many difficulties and prejudices faced by the Jews.

The means of making the Jews happy and useful? Here it is: stop making them unhappy and unuseful. Accord them, or rather return to them the right of citizens, which you have denied them, against all divine and human laws and against your own interests, like a man who thoughtlessly cripples himself. . . .

To be sure, during times of barbarism, there was no shortage of ways of oppressing the Jews. Yet we are hard pressed even in an enlightened century, not to repair all the evils that have been done to them and to compensate them for their unjustly confiscated goods [hardly to be hoped for], but simply to cease being unjust toward them and to leave them peacefully to enjoy the rights of humanity under the protection of general laws. . . .

The simplest means would be therefore to accord them throughout the kingdom the same liberty that they enjoy in [Bordeaux and Bayonne]; nevertheless, however simple this means appears, it is still susceptible to greater perfection, in order to render the Jews not only happier and more useful but even more honest in the following manner.

1. They must be accorded permission to acquire land, which will attach them to the fatherland, where they will no longer regard themselves as foreigners and will increase at the same time the value of the land.
2. They must be permitted to practice all of the liberal and mechanical arts and agriculture, which will diminish the number of merchants among them and in consequence the number of knaves and rogues. . . .
4. To make their merchants more honest, they must be accorded the freedom to exercise every sort of commerce, to keep their stores open, to carry any product, and to live among the other citizens. Then being more closely allied with the other citizens, more at their ease and with their conduct more exposed to the inspection of the police, having moreover to manage their credit, their reputation and especially their regular customers, they will have in consequence less inclination, less necessity, and less facility in cheating and buying stolen goods.
5. To better diminish this facility in cheating, they must be forbidden, on pain of annulment of the transaction, the use of Hebrew and German [Yiddish] language and characters in their account books and commercial contracts, whether between themselves or with Christians.
6. It is necessary therefore to open the public schools to their children, to teach them French, which will produce a double advantage: it will make it easier to instruct them and to make them familiar from earliest infancy with Christians. They will establish with the Christians bonds of friendship which will be fortified by living near to each other, by the use of the same language and customs, and especially by the recognition of the freedom that they will be accorded; they will learn from these bonds that the Christians worship a Supreme Being like themselves, and as a result the fraud that the Talmud authorizes in dealings with pagans will no longer be permitted.
7. To better facilitate these bonds, their rabbis and leaders must be severely forbidden from claiming the least authority over their coreligionists outside of the synagogue, from prohibiting entry and honors to those who cut their beards, who curl their hair, who dress like Christians, who go to the theater, or who fail to observe some other custom that is irrelevant to their religion and only introduced by superstition in order to distinguish the Jews from other peoples. . . .

We could add that the freedom of the Jews is the best means of converting them to Christianity; for, once putting an end to their captivity, you will render useless the temporal Messiah that they expect, and then they will be obliged to recognize Jesus Christ as a spiritual Messiah in order not to contradict the Prophets, who predicted the arrival of some kind of Messiah. . . .

Are so many verbiages and citations necessary to prove that a Jew is a man, and that it is unjust to punish him from his birth onward for real or supposed vices that one reproaches in other men with whom he has nothing in common but religious belief? And what would the French say if the Academy of Stockholm had proposed, twelve years ago, the following question: "Are there means for making Catholics more useful and happier in Sweden?"

Antislavery Agitation

6

ABBÉ RAYNAL

From the Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies

1770

Abbé Guillaume Thomas Raynal (1711–1796), known by his clerical title [abbé = French for Father (a priest)], first published his multivolume history of European colonization anonymously in French in 1770. Today many sections of it seem almost quaint and hopelessly detailed, for Raynal and his collaborators (among them Diderot) gathered every

Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies, revised, augmented, and published, 10 vols., by Abbé Raynal. Newly translated from the French, by J. O. Justamond, F.R.S., 8 vols. (London: W. Strahan, 1783). Excerpted from vol. 5, bk. XI: 292–96, 302–4, 307–10. This edition appears to be a translation of the 1780 Geneva edition in French, whose passages on slavery sounded a more combative note than those found in the original 1770 edition.

*Petition of the Jews of Paris, Alsace, and Lorraine
to the National Assembly*

January 28, 1790

When the Jews of Paris and the eastern provinces presented their case to the National Assembly, they leaned heavily on the precedent of granting full rights to the Protestants and on the language of human rights philosophy. They insisted that the Jews should be treated no differently from anyone else and refuted one by one all the customary prejudicial arguments used against the Jews, such as their reliance on making loans with interest (usury). Their petition shows the power of the language of rights; "all men of whatever religion . . . should all equally have the title and the rights of citizen." Despite their pleas, the National Assembly held off on granting full political rights to Jews until September 1791.

A great question is pending before the supreme tribunal of France. *Will the Jews be citizens or not?*

Already, this question has been debated in the National Assembly; and the orators, whose intentions were equally patriotic, did not agree at all on the result of their discussion. Some wanted Jews admitted to civil status. Others found this admission dangerous. A third opinion consisted of preparing the complete improvement of the lot of the Jews by gradual reforms.

In the midst of all these debates, the National Assembly believed that it ought to adjourn the question. . . . This adjournment was based on the necessity of further clarifying an important question; of seeking more positive information about what the Jews do and what they can be; of knowing more exactly what is in their favor and what is not; and finally, of preparing opinion by a thorough discussion for the decree, whatever it may be, that will definitively pronounce on their destiny.

It was also said that the adjournment was based on the necessity of knowing with assurance what were the true desires of the Jews; given,

Pétition des juifs établis en France, adressée à l'Assemblée Nationale, le 28 janvier 1790, sur l'ajournement du 24 décembre 1789 (n.p., n.d.), 3-11, 13-14, 34-36, 39-40, 96-97.

it was added, the disadvantages of according to this class of men rights more extensive than those they want.

But it is impossible that such a motive could have determined the decree of the National Assembly.

First, the wish of the Jews is perfectly well-known, and cannot be equivocal. They have presented it clearly in their addresses of 26 and 31 August, 1789. The Jews of Paris repeated it in a *new address* of 24 December. They ask that all the degrading distinctions that they have suffered to this day be abolished and that they be declared CITIZENS.

But moreover, how could it be supposed that the legislators, who trace all their principles to the immutable source of reason and justice, could have wanted to turn away in this matter from their accustomed manner of proceeding to seek what they should do, not in what should be, but solely in what is asked of them? . . . It is not therefore because it was believed important to know exactly what the desires of the Jews are, that the question was adjourned, but because it was judged worthy of a thorough investigation.

Their desires, moreover, as we have just said, are well known; and we will repeat them here. They ask to be CITIZENS.

And the right that they have to be declared such; the disadvantages that would result from a decree opposed to their wishes; all these grounds, and others still, will be set forth in this writing, with the energy suited to men who demand, not a favor, but an act of justice.

Finally, none of the objections made by their adversaries, or rather by the adversaries of their admission to civil status, will remain without response. . . .

If they only had to prevail upon justice, they would have little to say. But they have to combat a prejudice, and this prejudice is still so present in so many minds that they will always fear not having said enough. People argue, moreover, from their religion, their customs, their laws, as if they knew perfectly all these subjects; and it is important to draw attention to errors, which are in this regard widespread, accredited, and which perpetuate the prejudice that oppresses the Jews.

Here is, then, the plan of their memoir. They will begin by establishing the principles which require the right of citizens for the Jews. They will prove, next, that France itself would benefit from according this right to them. They will recall and combat the objections used to deny them civil status. Finally, they will demonstrate that the right of citizens should be accorded to the Jews without restriction and without delay; that is, that it would be at once unjust and dangerous to want to prepare them to receive citizenship by gradual improvements. . . .

[Then begins a detailed examination of the various charges against the Jews.] In truth, [the Jews] are of a religion that is condemned by the one that predominates in France. But the time has passed when one could say that it was only the dominant religion that could grant access to advantages, to prerogatives, to the lucrative and honorable posts in society. For a long time they confronted the Protestants with this maxim, worthy of the Inquisition, and the Protestants had no civil standing in France. Today, they have just been reestablished in the possession of this status; they are assimilated to the Catholics in everything; the intolerant maxim that we have just recalled can no longer be used against them. Why would they continue to use it as an argument against the Jews?

In general, civil rights are entirely independent from religious principles. And all men of whatever religion, whatever sect they belong to, whatever creed they practice, provided that their creed, their sect, their religion does not offend the principles of a pure and severe morality, all these men, we say, equally able to serve the fatherland, defend its interests, contribute to its splendor, should all equally have the title and the rights of citizen. . . .

[The Jews] are reproached at the same time for the vices that make them unworthy of civil status and the principles which render them at once unworthy and incompetent. A rapid glance at the bizarre as well as cruel destiny of these unfortunate individuals will perhaps remove the disfavor with which some seek to cover them and will show if it is right to make them all the reproaches that have been addressed to them.

Always persecuted since the destruction of Jerusalem, pursued at times by fanaticism and at others by superstition, by turn chased from the kingdoms that gave them an asylum and then called back to these same kingdoms, excluded from all the professions and arts and crafts, deprived even of the right to be heard as witnesses against a Christian, relegated to separate districts like another species of man with whom one fears having communication, pushed out of certain cities which have the privilege of not receiving them, obligated in others to pay for the air that they breathe as in Augsburg where they pay a *florin* an hour or in Bremen a *ducat* a day, subject in several places to shameful tolls. Here is the list of a part of the harassment still practiced today against the Jews.

And they would dare to complain of the state of degradation into which some of them can be plunged! They would dare to complain of their ignorance and their vices! Oh! Do not accuse the Jews, for that would only precipitate onto the Christians themselves all the weight of these accusations.

The vices of some of them are the work of the peoples who have given them shelter; the degradation of others is the fruit of the institutions

that surround them. To say everything in one word, it is not at all the degradation and vices with which they are reproached that has attracted the harassment which overwhelms them but rather these harassments have produced their degradation and their vices. . . .

Let us now enter into more details. The Jews have been accused of the crime of usury. But first of all, all of them are not usurers; and it would be as unjust to punish them all for the offense of some as to punish all the Christians for the usury committed by some of them and the speculation of many. For a great many years now, moreover, the courts have heard fewer and fewer complaints about usury by the Jews. And, often, the Christians who accused them have given up their complaints.

Reflect, then, on the condition of the Jews. Excluded from all the professions, ineligible for all the positions, deprived even of the capacity to acquire property, not daring and not being able to sell openly the merchandise of their commerce, to what extremity are you reducing them? You do not want them to die, and yet you refuse them the means to live: you refuse them the means, and you crush them with taxes. You leave them therefore really no other resource than usury; and especially, you leave only this resource to the most numerous class of these individuals, for whose needs the legitimate interest from a modest sum of money is far from being sufficient. . . .

Everything that one would not have dared to undertake, moreover, or what one would only have dared to undertake with an infinity of precautions a long time ago, can now be done and one must dare to undertake it in this moment of universal regeneration, when all ideas and all sentiments take a new direction; and we must hasten to do so. Could one still fear the influence of a prejudice against which reason has appealed for such a long time, when all the former abuses are destroyed and all the former prejudices overturned? Will not the numerous changes effected in the political machine uproot from the people's minds most of the ideas that dominated them? Everything is changing; the lot of the Jews must change at the same time; and the people will not be more surprised by this particular change than by all those which they see around them everyday. This is therefore the moment, the true moment to make justice triumph: attach the improvement of the lot of the Jews to the revolution; amalgamate, so to speak, this partial revolution to the general revolution. Your efforts will be crowned with success, and the people will not protest, and time will consolidate your work and render it unshakable.

THE FRENCH NATIONAL ASSEMBLY

3. Decree Recognizing the Sephardim as Citizens (January 28, 1790)

All of the Jews known in France, under the name of Portuguese, Spanish, and Avignonese Jews, shall continue to enjoy the same rights they have hitherto enjoyed, and which have been granted to them by letters of patent.

In consequence thereof, they shall enjoy the rights of active citizens, if they possess the other requisite qualifications, as enumerated in the decrees of that national assembly.

NOTE

1. The equivocation of the Assembly regarding Jewish civil equality especially aggrieved the Sephardim (Jews of Spanish and Portuguese origin) of Bordeaux and Bayonne. Residing in France (initially as "New Christians") since the sixteenth century, these Jews were highly acculturated Frenchmen. Moreover, by virtue of letters of patent issued by several French monarchs, these Jews had tacitly enjoyed extensive civil rights for some two hundred years. They thus argued that their eligibility for citizenship was not to be considered

in connection with the Ashkenazim of Alsace and Lorraine. The Sephardim emphasized that the two communities were quite distinct socially, culturally and legally. This argument prevailed, and, together with the Jews of Avignon, who had also obtained letters of patent from the *ancien régime*, their "civil rights" were confirmed by the Assembly. This recognition of Jews, even if only of a specific category of Jews, served as an important precedent.

Source: M. Diogene Tama. *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 3-4.

THE FRENCH NATIONAL ASSEMBLY

4. The Constitution of France (September 3, 1791)

Title 1. Fundamental Regulations Guaranteed by the Constitution. The Constitution guarantees, as national and civil rights, (1) That all the citizens are admissible to places

and employments, without any other distinction than that of *virtue* and talents. . . .
(3) Liberty to every man to . . . exercise the religious worship to which he is attached.

NOTE

1. These provisions of the new constitution set the stage for the extension of rights of the citizen

to all Jewish residents of France.

Source: Benjamin Flower, ed. and trans., *The French Constitution* (London, 1792), pp. 20-23.

LA FARE, BISHOP OF NANCY

*Opinion on the Admissibility of Jews to
Full Civil and Political Rights**Spring 1790*

Born into a noble family from southern France, Anne Louis Henri de La Fare (1752–1829) was elected as a deputy from the clergy of Lorraine (one of the eastern provinces with many Jews) to the Estates General. In the National Assembly, he defended the interests of the Catholic Church, and on December 23, 1789, he spoke against the emancipation of the Jews in the debate on the status of non-Catholics. He published his speech as a pamphlet in the spring of 1790, and it circulated widely at that time as part of a general discussion of the rights of Jews. La Fare repeated the standard arguments against the Jews, which held up complete Jewish emancipation until September 1791. La Fare emigrated from France in 1791 and offered his services to members of the royal family who had gone into exile. He returned to France only when Napoleon fell from power in 1814.

Thus, Sirs, assure each Jewish individual his liberty, security, and the enjoyment of his property. You owe it to this individual who has strayed into our midst; you owe him nothing more. He is a foreigner to whom, during the time of this passage and his stay, France owes hospitality, protection, and security. But it cannot and should not admit to public posts, to the administration, to the prerogatives of the family a tribe that, regarding itself everywhere as foreign, never exclusively embraces any region; a tribe whose religion, customs, and physical and moral regime essentially differ from that of all other people; a tribe finally whose eyes turn constantly toward the common fatherland that should one day reunite its dispersed members and which cannot consequently consecrate any solid attachment to the land that supports it. . . .

Opinion de M. l'Evêque de Nancy, Député de Lorraine, sur l'admissibilité des Juifs à la plénitude de l'état civil, et des droits de Citoyens actifs (Paris?, 1790).

There are only in France a small number of provinces where Jews have been permitted to establish themselves. The rest of the kingdom has but little or no relationship to the individuals of this nation. Thus, the greater part of the deputies would not know how to judge the present question with sufficient knowledge of the issue. The decision, nonetheless, is of a kind that should not be left to the enthusiasm of the emotions or to the seduction of the mind [presumably by excessively humanitarian leanings]. . . .

There are also moral and local considerations that should, if not guide, then at least enlighten the legislation regarding the Jewish nation.

The prejudices of the people against the Jews are only too well-known. From time to time, they explode into violence: recently in Alsace, some people committed the most criminal excesses against the Jews. A few months ago, similar misfortunes menaced them in Nancy [a city in Lorraine]. People wanted to pillage their houses, mistreat their persons; the animosity was extreme. Did they merit this malevolence because of criminal maneuvers, monopolies, or ventures contrary to the interests of the people? No, Sirs: the most serious reproach made to them was spreading out too much into the province, acquiring houses, lands, and privileges that the former laws did not give to them.

From this account it is easy to understand the habitual disposition of the people; it is a fire always ready to be lit. Any extension that a decree of the National Assembly would hasten to give to the civil existence of the Jews, before opinion has been prepared in advance and led by degrees to this change, could occasion great disasters. It is only prudent to foresee possible misfortunes; it is only wise to prevent them.

*Admission of Jews to Rights of Citizenship**September 27, 1791*

After several tumultuous discussions of the Jewish communities still excluded from political rights, the National Assembly finally voted to regularize the situation of all the different Jewish communities on

Archives parlementaires 31 (1888): 372. The law on the Jews was approved by Louis XVI on November 13, 1791.

September 27, 1791. Adrien Jean François Duport (1759–1798), a deputy from the nobility of Paris, proposed the motion. The deputies shouted down those who attempted to speak against it, and it quickly passed. A subsequent amendment indicated that swearing the civic oath implied a renunciation of previous Jewish privileges, that is, the right to an autonomous community ruled by its own members according to its own customs. The law required Jews to be individuals just like everyone else in France.

DUPORT: I have one very short observation to make to the Assembly, which appears to be of the highest importance and which demands all its attention. You have regulated by the Constitution, Sirs, the qualities deemed necessary to become a French citizen, and an active citizen: that sufficed, I believe, to regulate all the incidental questions that could have been raised in the Assembly relative to certain professions, to certain persons. But there is a decree of adjournment that seems to strike a blow at these general rights: I speak of the *Jews*. To decide the question that concerns them, it suffices to lift the decree of adjournment that you have rendered and which seems to suspend the question in their regard. Thus, if you had not rendered a decree of adjournment on the question of the Jews, it would not have been necessary to do anything; for, having declared by your Constitution how all peoples of the earth could become French citizens and how all French citizens could become active citizens, there would have been no difficulty on this subject.

I ask therefore that the decree of adjournment be revoked and that it be declared relative to the Jews that they will be able to become active citizens, like all the peoples of the world, by fulfilling the conditions prescribed by the Constitution. I believe that freedom of worship no longer permits any distinction to be made between the political rights of citizens on the basis of their beliefs and I believe equally that the Jews cannot be the only exceptions to the enjoyment of these rights, when pagans, Turks, Muslims, Chinese even, men of all the sects, in short, are admitted to these rights.

Decree of the National Assembly of September 27, 1791

The National Assembly, considering that the conditions necessary to be a French citizen and to become an active citizen are fixed by the Constitution, and that every man meeting the said conditions, who swears the civic oath, and engages himself to fulfill all the duties that the Constitution

imposes, has the right to all of the advantages that the Constitution assures;

Revokes all adjournments, reservations, and exceptions inserted into the preceding decrees relative to Jewish individuals who will swear the civic oath which will be regarded as a renunciation of all the privileges and exceptions introduced previously in their favor.

Free Blacks and Slaves

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The Abolition of Negro Slavery or Means for Ameliorating Their Lot

1789

The vote on the Declaration of the Rights of Man and Citizen, explicitly cited in this pamphlet, did not go unnoticed by those who favored abolition of the slave trade and eventual emancipation of the slaves. Yet even the most determined adversaries of slavery worried about the consequences of immediate abolition, especially for the French economy. As a result, advocates of abolition put forward a variety of proposals for gradual emancipation and restructuring of the colonial economies. Their proposals gained little support in the National Assembly, where the planters in the colonies had many allies.

At a time when a new light has come to enlighten minds in all Europe; when the French National Assembly has already destroyed the hydra of feudalism in the kingdom; when it has established the Rights of Man and recognized that *God has created all men free; that this liberty should only be hampered by chains that they give themselves voluntarily, to prevent the strongest from making an attempt on the liberty, the life or the property of the weakest*; then slavery should only continue to exist for criminals

L'Esclavage des nègres aboli ou moyens d'améliorer leur sort (Paris: Chez Froullé, 1789), 3–10.

THE FRENCH NATIONAL ASSEMBLY

5. The Emancipation of the Jews of France (September 28, 1791)¹

The National Assembly, considering that the conditions requisite to be a French citizen, and to become an active citizen, are fixed by the constitution, and that every man who, being duly qualified, takes the civic oath, and engages to fulfil all the duties prescribed by the constitution, has a right to all the advantages it insures;

Annuls all adjournments, restrictions, and exceptions, contained in the preceding decrees, affecting individuals of the Jewish persuasion, who shall take the civic oath, which shall be considered as a renunciation of all privileges in their favor.²

NOTES

1. All remaining reservations regarding the applicability of the Declaration of the Rights of Man and of the Citizen to the Jews were removed in this resolution of the National Assembly, which explicitly recognized the Jews as full citizens of France. Adrien Duport, a member of the Jacobin Club, who presented the resolution for adoption by the Assembly, argued that the inviolability of the principle of religious freedom, and indirectly all the principles of the constitution, would be assured only if it was consistently applied. "I believe that freedom of worship," he concluded, "does not permit any distinction in the political rights of

citizens on account of their creed. The question of the political existence of the Jews has been [repeatedly] postponed. Still the Muslims and the men of all sects are admitted to enjoy political rights in France. I demand that the motion of postponement be withdrawn, and a decree passed that the Jews in France enjoy the privileges of full citizens [*citizens actifs*]" (Achille-Edmond Halphen, *Recueil des Louis*, p. 229).

2. The reference is to the communal autonomy that the European Jews enjoyed in the Middle Ages. Such autonomy was deemed to be incompatible with the principles of the modern state.

Source: M. Diogene Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 6-7.

BERR ISAAC BERR

6. Letter of a Citizen to His Fellow Jews (1791)¹

Gentlemen and dear brethren,

At length the day has come when the veil, by which we were kept in a state of humiliation, is rent; at length we recover those

rights which have been taken from us more than eighteen centuries ago. How much are we at this moment indebted to the clemency of the God of our forefathers!

Source: Berr Isaac Berr, "Lettre d'un Citoyen" (Nancy, 1791), in M. Diogene Tama, *Transactions of the Parisian Sanhedrin*, trans. F. D. Kirwan (London, 1807), pp. 11-29.

We are now, thanks to the Supreme Being, and to the sovereignty of the nation, not only Men and Citizens, but we are Frenchmen! What a happy change thou hast worked in us, merciful God! So late as the twenty-seventh of September last, we were the only inhabitants of this vast empire who seemed doomed to remain forever in bondage and abasement; and on the following day, on the twenty-eighth, a day for ever sacred among us, thou inspirest the immortal legislators of France. They pronounce, and more than sixty thousand unfortunate beings, mourning over their sad fate, are awakened to a sense of their happiness by the liveliest emotions of the purest joy. Let it be acknowledged, dearest brethren, that we have not deserved this wonderful change by our repentance, or by the reformation of our manners: we can attribute it to nothing but to the everlasting goodness of God: He never forsook us entirely: but, finding that we were not yet worthy of seeing the accomplishment of his promises of a perfect and lasting redemption, he has not, however thought proper still to aggravate our sufferings: and surely our chains had become the more galling from the contemplation of the rights of man, so sublimely held forth to public view. Therefore, our God, who reads the heart of man, seeing that all our resignation would have proved unequal to the task, and that supernatural strength was wanting to enable us to support these new torments, has thought of applying the remedy: He has chosen the generous French nation to reinstate us in our rights, and to effect our regeneration, as, in other times, he had chosen Antiochus, Pompey, and others, to humiliate and enslave us. How glorious it is for that nation, who have, in so short a time, made so many people happy! And surely, if Frenchmen are become so themselves, by the additional rights and the additional liberty they have just acquired, how much the more are we, in particular, gainers by the change! And what bounds can there be to our gratitude for the happy event. From being vile slaves, mere serfs, a species of men merely tolerated

and suffered in the empire, liable to heavy and arbitrary taxes, we are, of a sudden, become the children of the country, to bear its common charges, and share in its common rights.

What orator could presume to express to the French nation and to its king, all the extent of our gratitude, and of our unalterable submission? But neither the king nor the representatives of the nation seek for praises or acknowledgments; their only wish is to behold people happy. In that they expect and they will find their reward. Let us then, dear brethren, let us conform to their wishes; let us examine with attention what remains to be done, on our part, to become truly happy, and how we may be able to show, in some measure, our grateful sense for all the favors heaped upon us. On this subject, gentlemen and dear brethren, give me leave to submit to your judgment the result of some reflections, which our change of condition has suggested to me.

The name of active citizen, which we have just obtained, is, without a doubt, the most precious title a man can possess in a free empire; but this title alone is not sufficient; we should possess also the necessary qualifications to fulfill the duties annexed to it: we know ourselves how very deficient we are in that respect; we have been in a manner compelled to abandon the pursuit of all moral and physical sciences, of all sciences, in short, which tend to the improvement of the mind, in order to give ourselves up entirely to commerce, to be enabled to gather as much money as would insure protection, and satisfy the rapacity of our persecutors. . . .

I cannot too often repeat to you how absolutely necessary it is for us to divest ourselves entirely of that narrow spirit, of Corporation and Congregation, in all civil and political matters, not immediately connected with our spiritual laws; in these things we must absolutely appear simply as individuals, as Frenchmen, guided only by a true patriotism and by the general good of the nation; to know how to risk our lives and

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fortunes for the defence of the country, to make ourselves useful to our fellow citizens, to deserve their esteem and their friendship, to join our efforts to theirs in maintaining public tranquility, on which that of individuals depends.

Let us do for the present what is within our power, let us take the civic oath of being faithful to the nation, to the law and to the king. This oath contains only the sentiments we have always professed. We have never been accused of being breakers of the law, or of having rebelled even against those who domineered over us; we have always respected and obeyed even those by whom we were ill-treated: we shall then, upon much stronger grounds, remain faithful to laws which reinstate us in our rights, and place us, on the same footing with all Frenchmen, leaving us at the same time, at full liberty to profess our religion, and to follow our mode of worship. This oath, I say, which, on our side, is nothing but a renunciation of those presented privileges and immunities which we enjoyed, cannot, under any point of view, wound the conscience of the most orthodox and the most scrupulous of our brethren; our privileges and our immunities were only relative to our state of slavery.

This oath once taken, let us exert ourselves to fulfil the duties within our reach, but let us avoid grasping at our rights; let us not rush headlong against the opinions of some of our fellow citizens who, rendered callous by prejudice, will reject the idea of Jews being fellow men, fellow creatures. Let it be sufficient for us, at present, to have acquired the invaluable right of assisting at all assemblies of French citizens; but let us not attend them, till we have acquired knowledge sufficient to make ourselves useful members; till we know how to discuss and defend the interests of the country; in short, till our most bitter enemies are convinced, and acknowledge the gross misconceptions they had entertained of us. . . .

Our education has been defective in many points of view. Already the famous Rabbi Hartwig Wessely, of Berlin, has rendered us

an eminent service, by publishing several works in Hebrew on this subject. One of his productions, entitled [*Words of Peace and Truth*]² has been translated into French, in the year 1792. It details the causes of our present ignorance, and the means by which we may deserve once more the appellation of the learned and intelligent nation, which God himself gave us. I shall not report here what you find in these useful publications; but I entreat you, dear brethren, to follow this author in his meditations; and you will easily remark that our fate, and the fate of our posterity, depends solely on the change we shall effect in our mode of education. . . .

French ought to be the Jews' mother tongue, since they are reared with and among Frenchmen; it has always been the language in which they have made the least proficiency, and which very often they scarcely understand. It is only when compelled by necessity to speak to and to be understood by their neighbours that they begin to blunder some inarticulate words; from hence proceeds this other inconvenience, that those among us who have felt early enough the usefulness of the French language, and have acquired the habit of speaking it with facility, cannot, however, get rid of a German or other foreign accents. Their diction, too, is generally incorrect. I even must say myself, that while I am thus addressing you in French, I feel my want of experience and of proficiency in that language, which I have however chosen in preference, to prove to you, that Jews may commune together and confer with one another in that language, on all topics even on religious matters, and that it is entirely in our powers to avoid encumbering the minds of our youth with the useless study of foreign languages. Have we not the example of the Jews of Asia, the most devout and the most scrupulous of our brethren, who read and write only Hebrew and the language of their country? Why should we continue to bear the name of German or Polish Jews, while we are happily French Jews? . . .

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dustry, in which the children of poor people and those who are not born to a higher rank, shall learn all the trades and mechanical occupations necessary to society. Let us form among us carpenters, smiths, tailors, etc. And if we can succeed in having a man in each profession, able to work as a master, he will soon form apprentices; and gradually we shall see Jewish workmen who will strive to deserve esteem by earning honourably their livelihood. Thus shall we banish sloth and indolence, occasioned by the idleness of our youth. . . .

If we have been reproached at one time with want of industry, indolence and aversion to labour, let us now avoid such reproaches, which might be unjust formerly, but which we should now deserve. Let us exert all our influence to accustom our poor, who, till now, have been fed by our alms, to prefer the gains of labour, even at the sweat of their brows.

NOTES

1. Berr Isaac Berr (1744–1828), a successful merchant and banker from Nancy. He was prominent in efforts against the defamation of Jewry and in the Jewish struggle for civil equality. In 1789 he was one of six delegated by the Jewish community of Alsace and Lorraine to present its case for civil protection and rights before the National Assembly. He later served successively as a member of the Assembly of Jewish Notables and the Parisian Sanhedrin. Among his literary works is a transla-

In thus imparting to you my humble ideas of our personal situation, I am, dear brethren, fulfilling a duty the most congenial to my feelings. My thoughts, as you may see, are presented to you in a crude state: it is by your attention and by your meditations, should you deem [my thoughts] worthy, that they are to be matured and quickened into action. Whatever success may attend them, I hope, at least, that you shall do justice to the fraternal sentiments, which unmixed with any other motives, have urged me to exhort and press you, dear brethren, not to lose one moment in taking our situation into your consideration.

I have the honour to be most fraternally, your most obedient and very humble servant,

Berr Isaac Berr

tion into French of Naphtali Herz Wessely's *Words of Peace and Truth* (see chapter 2, document 8) under the title *Instructions Salutaires Adressées aux Communautés Juives de l'Empire de Joseph II* (Paris, 1792).

On the morning of the resolution of the National Assembly emancipating all the Jews of France, Berr dispatched this letter to the Jewish congregations of Alsace and Lorraine.

2. See chapter 2, document 8.

THE ROMAN REPUBLIC

7. First Emancipation in Rome (February 1799)¹

Whereas in accordance with the principles sanctified by the Constitutional Act of the

Roman Republic all laws must be common and equal for all Roman citizens, the follow-

Source: Raphael Mahler, ed. and trans., *Jewish Emancipation, A Selection of Documents*, Pamphlet Series, Jews and the Post-War World, no. 1 (New York: American Jewish Committee, 1941), p. 28. Reprinted by permission of the American Jewish Committee.