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## Making Jews Dutch

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# Appendices

## Declaration of the Rights of Man and of the Citizen

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.
5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.
6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.
7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.
8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.
10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.
11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.
12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be entrusted.
13. A general tax is indispensable for the maintenance of the public force and for the expenses of administration; it ought to be equally apportioned among all citizens according to their means.
14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment and of collection and the duration of the taxes.
15. Society has the right to require of every public agent an account of his administration.
16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.
17. Property being an inviolable and sacred right, no one can be deprived of it, unless demanded by public necessity, legally constituted, explicitly demands it, and under the condition of a just and prior indemnity.

[Source: Frank Maloy Anderson, ed., *The Constitution and Other Select Documents Illustrative of the History of France, 1789-1907* (New York: Russell and Russell, 1908), pp. 59-61.]

### **Additional Declaration of the Rights of Man and of the Citizen**

Liberty, Equality, and Fraternity. Brothers of Israel, from the previous [Declaration of the Rights of Man and of the Citizen], every word is honest and fair. We will enjoy our rights and we will no longer be excluded from their privileges. The foundation is already there, and everyone should bring the building blocks. It will be a home for everyone; the joy of liberty, equality, and fraternity is holy and of incomprehensible value for you. You will enjoy its fruits, which were taken from you so wrongly, godlessly withheld from you by tyrants; open up your conscience, acknowledge that you were lost and deceived by the mask of hypocrisy, and honestly repent of your former behavior and enjoy with all of mankind the greatest happiness. Let these experiences enlighten you and convince you to do everything necessary to maintain and consolidate what is of help for our marvelous revolution. You can be useful to the fatherland; it will claim your heart and request your aid in its survival. Well, brothers of Israel, do everything in your power to safeguard it against tyranny and despotism. Promote good peace and unity and bring with all of your fellow citizens your burden for the necessary preservation of your beloved fatherland. Do not doubt because of false, fabricated, horrifying news. Those who invent such things are your enemies, enemies of the fatherland. They are seeking your downfall, and they will leave you to moan in the ruins. Uncover their evil deceits and assaults, which you have endured too much. Let no metal close your fatherland's hearts; despise such monsters, expose their evil deeds, and you will be righteous. If now your livelihood is less and the price of food is raised, do not murmur; it will be of short duration. You will receive happiness and blessing, and your trade will flourish. Imagine that you are invited to a wedding, and however hungry you may be, you will only be fed after a couple of hours. How will you be compensated[?] Compare yourself, your children, and your grandchildren, who will enjoy the fruits; poverty will be banned from all of Israel. No one will be ashamed to be a Jew. He will be proud and declare: "I am a Jew, a lover of the fatherland, a caretaker." The exemplary youths of your community, who already bear arms and with their fierce fight for the restoration of your rights, are not taunted or mocked when they keep the city's quiet on the Sabbath and protect your divine services. Give them your love and respect, encourage them, constrain the opponents, so that you will not make yourself punishable; and consequently you can and shall, like all of humanity, be free, be equal, and be their brothers.

## **Haim's altered Declaration of the Rights of Man and of the Citizen**

The natural human rights are equality, liberty, safety, property, and resistance against oppression, because all of humanity is born with equal rights [Art. 2], as the word of Job said: "And he said; naked came I out of my mother's womb, and naked shall I return thither; the LORD gave, and the LORD hath taken away; blessed be the name of the LORD" (Job 1:21). He decides who will be elevated and who will be humiliated, who will be rich and who will be poor.<sup>2</sup> Consequently no one can take away the natural rights of somebody else [Art. 1]. Liberty gives everyone the power to do what they want unless it harms someone else in their rights. This natural regulation contains the statement, "One should not treat others in ways that one would not like to be treated," and this is a general rule from our holy Torah [Art. 3]. The natural liberty to do as one pleases can never be hindered, except when it serves the interest of civil unity [Art. 9]. Therefore such limitations of natural liberty shall not be made either by the people or by their representatives [Art. 10]. No one can be compelled to hand over his private property to the community unless it is requested by the people and/or their representatives, and his damage will be covered, as the prophet Isaiah has said: "In righteousness shalt thou be established; be thou far from oppression, for thou shalt not fear, and from ruin, for it shall not come near thee" (Isaiah 54:14) [Art. 11]. It is everyone's natural right to make public their private thoughts and opinions, either through the press or in another way, as has already been said by the poet: "Keep thy tongue from evil, and thy lips from speaking guile" (Psalm 34:14). "The end of the matter, all having been heard: fear God and keep his commandments, for this is the whole duty of man" (Eccles. 12:13) [Art. 4]. Safety only exists if one is certain he will not be hindered in the execution of his rights or in his peacefully acquired possessions [Art. 6]. The aspiration of the civil unity of humanity should assure the peaceful enjoyment of natural rights, as is said by the prophet Zechariah: "These are the things that ye shall do: Speak ye every man the truth with his neighbor; execute the judgment of truth and peace in your gates" (Zech. 8:16) [Art. 8]. The law is liberty and the unlimited exercise of free will, so that it is equal for everyone in punishment and reward, as Job said: "Who respecteth not the persons of princes, nor regardeth the rich more than the poor" (Job 34:19) [Art. 12]. No one can be rightfully accused, arrested, or incarcerated, except according to the law [Art. 13], and

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<sup>2</sup> This sentence is taken from the Rosh Hashanah Liturgy, Blessing of Abraham.

when it is necessary to incarcerate someone, he cannot be treated more harshly than necessary in order to secure his person. Or in the words of the wise: “Make plain the path of thy feet, and let all thy ways be established” (Prov. 4:26) [Art. 14]. Never can the smallest restriction be made to the rights of each citizen or to his [right] to put forward his interests, to which public power is entrusted. As the wise man said: “Care in the heart of a man boweth it down; but a good word maketh it glad” (Prov. 12:25) [Art. 17].

Now follow the fundamental principles of our new, future government:

Everyone will have a vote in the new *Wetgevende Vergadering* of the whole Republic, either personally or through a representative of his own choosing [Art. 7]. The people always have the right to change, improve, or choose another government [Art. 19]. Everyone has the right to hold any state official responsible for his actions [Art. 16]. Because sovereignty is in the people and belongs to them, a fraction of the people cannot appropriate it [Art. 18]. All people are equal and therefore eligible for election to all offices and administration without privilege other than that of good conduct and capability, as the poet said: “Mark the man of integrity, and behold the upright; for there is a future for the man of peace” (Psalm 37:37) [Art. 15].

And see, your eyes perceive that all their words are based on dignity and justice, and that no one can think that he can simply do as he pleases thanks to liberty. Let everyone behave in a good manner and be committed to the laws. We Israelites are obliged to thank God, who gave us favor and mercy in the eyes of the higher governments of city and country, whose heart is benign to us; may God forbid that anyone would sow any discord or disturbance with lies. In peace and safety you shall live off the fat of the land, and God will bless our stocks; He will be merciful and bless us into eternity. Sela, Amen.

[source: Protocolbuch IV, 135. Cf. Sluys, “Uit Bange Dagen. Het begin van den Franschen tijd,” *Vrijdagavond*.]