THE HOEFER PRIZES FOR EXCELLENCE IN UNDERGRADUATE WRITING

in recognition of writing achievement in the undergraduate field of study

June 2, 1998
Forgotten Champion of Anglo-Jewish Emancipation: David Salomons

DANIEL DAVIS

Undergraduate Research Seminar: Exploring Modern Britain through Documents and Images Held at Stanford History 242S

Instructor
PETER STANSKY
Forgotten Champion of Anglo-Jewish Emancipation: David Salomons

By Daniel S. Davis

"...And I do make this recognition, abjuration, renunciation, and promise heartily, willingly, and truly upon the true faith of a Christian..." 9 George IV, c. 17 (1828)

This seemingly obscure phrase confirmed Jews as second-class English citizens, barring them from holding public office, obtaining degrees at Oxford or Cambridge, becoming military officers, and entering certain professions, such as the law and public service. Incensed by the legal disabilities that impeded him and his co-religionists, Jewish businessman and politician David Salomons (1797-1873) had both the will and the means to spearhead the Jews' campaign for emancipation, with a two-pronged strategy of winning support by demonstrating merit and, where this was insufficient, applying non-violent civil disobedience. In order to analyze Salomons' efforts for Jewish emancipation, it is essential to delineate the social milieu and underlying influences. Among these were the Jews' legal and social status in mid-Nineteenth Century Great Britain, and Salomons' background, motivations, and strategic influences, which shaped his approach to Jewish emancipation. Another important dynamic was how the clash between popular sovereignty (the right of the people to choose their representatives) and parliamentary prerogative (the right of the elected officials to choose how their membership is constituted) played out in Salomons' case, on the floor of Parliament and in the courtroom.

Legal Context

First, it is instructive to examine the legal context of the Jews' second-class status in Great Britain, which was never directly enacted by statute. After Cromwell reversed a centuries-old ban on Jews residing in England in 1656, suspicion of the Catholic minority and its allegiance to Rome motivated Parliament to pass the Test and Corporations Acts of 1661 and 1673. Under this legislation, sacramental tests, oaths of allegiance to the King and recognition of the supremacy of the Church of England, were required for most professions, positions and honors. This excluded Jews, Catholics, Quakers and various Protestant dissenters from holding public office, obtaining university degrees, becoming military officers, or entering a variety of other professions. Following the Glorious Revolution, the Catholic Stuart Pretender's attempts to press his claim on the royal throne prompted Parliament to enact the oath of abjuration in 1701. This legislation added the requirement for people to swear "on the true faith of a Christian," further restricting the Jews' rights. Although the death of the Stuart Pretender rendered this law archaic, the requirement was nevertheless retained. When the sacramental test was abolished in 1828 and Catholics were admitted to Parliament in 1829, Jewish emancipation seemed imminent. However, the House of Lords insisted that the new oath of abjuration be sworn "upon the true faith of a

1 For a more extensive and nuanced analysis of how these and other statutes impacted English Jews see H. S. Q. Henriques, The Jews and the English Law. (Oxford: 1908).
Christian," replacing old barriers with new ones. Repeated efforts to remedy the Jews’ status were passed by the Commons but rejected by the Lords.\(^2\)

**Social Overview of Mid-Nineteenth Century Anglo-Jewry**

Despite the many restrictions that English Jews faced, most were less anxious than Salomons to assert their rights. Why was this the case? At this time, most English Jews were poor and primarily concerned with putting food on the table and having adequate shelter rather than with matters of political rights. Those Jews who were not impoverished felt an obligation to devote much of their efforts to provide for the less fortunate in their community. However, the most important deterrent to early Victorian Jews’ assertion of their rights was pervasive anti-Semitism.

Before we can achieve an understanding of anti-Semitism’s role in discouraging Anglo-Jewish activism for political rights, let’s examine its definition. The *Oxford English Dictionary* defines anti-Semitism as “Theory, action, or practice directed against the Jews. Hence an anti-Semite, is one who is hostile to, or opposed to the Jews.” Although OED first cited the term “anti-Semitism” as having been used in 1881, it appears reasonable to apply this word to mid-Nineteenth-Century Britain, with some qualifications. Notably, many of those who believed the prevalent anti-Semitic stereotypes did not view themselves or their actions to be prejudiced.

Anti-Semitism in mid-Nineteenth Century Great Britain -- epitomized by Dickens’ stereotyped villain of *Oliver Twist* (1837), Fagin, “The Jew” -- emphasized perceived distinctions that were claimed to separate Jews from typical Englishmen. These differences were utilized as justification for the continued exclusion of Jews from full English citizenship rights. By reading “Civil Disabilities of the Jews,” by Thomas Babington Macaulay, an essay written to counter these stereotypes, it is possible to classify the prejudices that often served as the basis for these arguments.\(^3\)

One of the most pervasive stereotypes that colored how the English viewed the Jews was the notion that the Jews are an inherently commercial people, who derive power from creditor-debtor relationships and exert an “undue concentration upon material gain.”\(^4\) The character of Shylock in Shakespeare’s *The Merchant of Venice* was a prototype for such generalizations. Although many Jews were involved in finance, this was largely the result of legal barriers precluding them from entering many other important professions and doing business in certain places.

---

2 Unsuccessful legislative attempts to remedy Jewish disabilities were made in 1830, 1833, 1834, 1836, 1847-48, 1849, 1851, 1853, 1854, 1856, 1857 and 1858. From 1848 on, all these proposals were approved by the House of Commons but rejected by the House of Lords. M. C. N. Saltsman, *The Emancipation of the Jews in Great Britain: The Question of the Admission of Jews to Parliament 1828-1860* (Madison: 1982), p. 57, 235.


Several other prejudices combined to convince many Englishmen that in a Christian land, political power should be only a Christian privilege. One of the main justifications for excluding Jews from political power was the conviction that the Jews are outsiders on sojourn, a separate people from the English. Hence, it was claimed that the Jews had a divided allegiance and were suspect in terms of their loyalty.\(^5\) Associated with this was the notion that Judaism is a religion characterized by mysticism and strange rituals, practiced by an oriental people.\(^6\) Finally, some religious Englishmen believed that the New Testament’s prophecy spelled out the divinely ordained destiny of Jews. According to this view, because Jews rejected Jesus, they were doomed to be dispersed and powerless. ‘Why alter God’s will?’ Although many of those who held these views conceded that Jews were nevertheless entitled to prosperity and security, they objected to any Jewish claim to political power.

Some scholars have asserted that Dickens’ reinterpretation of the commercial stereotype and Biblical prophecy in his portrayal of Fagin, “The Jew,” may have revitalized resistance to Jewish emancipation and set back the cause by over twenty years. Fagin was depicted as a miserly and unsavory fencer of stolen goods. Furthermore, Dickens endowed “The Jew” with red hair and other characteristics, which Felsenstein, author of Anti-Semitic Stereotypes, asserts may have been allusions to Judas and the devil.\(^7\) When a Jewish correspondent critiqued Dickens for his depiction of Fagin as a criminal, Dickens replied that “Fagin... is a Jew, because it unfortunately was true of the time to which the story refers, that that class of criminal almost invariably was a Jew.”\(^8\) A report from the Constabulary Force Commissioners in 1839, written by Chesterton, Governor of Coldbath-fields Prison, and an acquaintance of Dickens, makes a similar claim that “‘fences’ or receivers of stolen property... for the most part, are Jews,” posing as legitimate businessmen.\(^9\) It is not clear if Chesterton’s conclusion influenced Dickens’ Fagin or if the character influenced this observation – or, even if there were sufficient empirical data to support this assertion.

Although English Jews of the early-Victorian era clearly faced widespread legal impediments and social prejudice, it must be emphasized that they fared much better during this period than did the large majority of Jews in other parts of Europe and the Near East. Only the French, Belgian and Dutch Jews, enjoyed an almost equal legal footing with their countrymen, because of the French Revolution. However, as Endelman explains in The Jews of Georgian England, although French Jews may have enjoyed more civil rights than their Anglo-Jewish brethren, English Jews were better integrated with their neighbors than their French

---

5 Salbine The Emancipation of the Jews in Britain, p. 144.
7 Part of an extensive discussion of Dickens’ use of Anti-Semitic stereotypes in Oliver Twist. Frank Felsenstein, Anti-Semitic Stereotypes (Baltimore: 1995), p. 239.
counterparts. In England, prejudice against Roman Catholics diverted much of the energy that might have otherwise been directed at Jews. Furthermore, philo-Semitism, an abstract sympathy with Jews based on evangelical beliefs, had emerged as a distinct trend in English intellectual and even political thought. It was promoted by leading politicians such as Lord Shaftesbury and Benjamin Disraeli. The theory that French Jews were not so well accepted by their neighbors during this period is supported by the vitriol of anti-Semitic literature and caricature during the Dreyfus Affair of the 1890s.

A prime manifestation of anti-Semitism overseas took place in the Damascus Blood Libel allegations, where eight Syrian Jews were accused of having perpetrated a ritual murder of a Capuchin friar in 1840. Ottoman authorities responded with arrests, torture, and death sentences, while the French Consul condoned these responses, arousing a great outcry in Jewish communities around the world. Furthermore, Eastern European Jews, especially those under Russian rule, faced discrimination that made what British Jews faced pale in comparison. Russian Jews were beset with state-instigated or state-tolerated persecution (e.g. pogroms), governmental interference in religious and community life, geographical segregation and repressive internal controls.

Since the situation of the English Jews was relatively good in comparison to those of their counterparts elsewhere, most in the Anglo-Jewish community feared that public agitation for civil rights would incur a backlash. Generally satisfied with their condition, many believed that too much complaining about remaining injustices would arouse resentment and a perception of ingratitude. The community was aware that a severe outbreak of anti-Semitism had been triggered in 1753, when a bill to naturalize foreign-born Jews was passed and then repealed. Two manifestations of this reluctance were the tepid reaction to the first emancipationist leader Isaac Lyon Goldsmid and the unwillingness of Lionel de Rothschild publicly to press the case for change after his 1847 election to Parliament.

Biographical Overview and Motivations of David Salomons

To understand what distinguished David Salomons from the majority of English Jews, who did not have the will and the means to assert their civil liberties, it is essential to examine his

11 Despite his philo-Semitism, Shaftesbury opposed Anglo-Jewish emancipation, on the grounds that Jews were a distinct nation and should have a homeland of their own. One motivation for his seemingly paradoxical views was the supposition that Jewish resettlement in Palestine and conversion to Christianity would signal the Second Coming of Jesus. See Abraham Gilam, The Emancipation of the Jews in England, 1830-1860 (New York: 1982), pp. 24-25.
12 Disraeli’s novels, especially Tancred (1847) and Coningsby (1849,) helped to popularize philo-Semitism. He supported Jewish Emancipation, but selectively because of differences with most Conservatives. While not associated with efforts to resettle Jews in Palestine, Disraeli shared with Shaftesbury the desire to convert Jews to Christianity. See David Feldman. Englishmen and the Jews: Social Relations and Political Culture, (New Haven: 1994), p. 78.
background as well as his motivations. In 1797, David Salomons was born into a wealthy banking family that had emigrated from Emden, Germany after the Glorious Revolution of 1689 and had lived in England for four generations. His father, Levi Salomons, was an English merchant and underwriter, while his mother, Matilda de Mitz, had immigrated to England from Leyden, Germany. Through his 1825 marriage to Jeannette Cohen and the marriages of his various siblings, David Salomons became a part of what historian Chaim Bermant calls "The Cousinhood," the Anglo-Jewish aristocracy. Therefore, Salomons became related to most of the prominent families ranging from the politically radical Goldsmid family, to the more traditional and politically conservative Rothschild, Montefiore, and Cohen families. Although personally very religiously observant, David Salomons was inclusive and conciliatory in his views of Reform Jews. He therefore opposed the attempt of other Orthodox Jews such as Moses Montefiore to deny Reform Jews membership in the communal London Jewish Board of Deputies, reasoning that if Jews could not respect diversity within their own faith, then they could hardly expect the Englishmen to accept them. From the start of his business career, Salomons was very successful, first as a co-founder of the London and Westminster Bank in 1832 and then as an underwriter for Lloyds of London in 1834. However, success in business was not Salomons' primary concern.

Instead, Salomons focused his energy on surmounting the legal impediments that prevented him from fulfilling the dreams of many young Englishmen. According to Salomons' biographer Albert Montefiore Hyamson, David Salomons always "regretted" that he had been precluded from a "regular education," because Jews were not admitted to public schools such as Eton or any universities at the time. Furthermore, Salomons' entry into business had not been by choice, but by necessity. Few other professions were then open to Jews. Since Salomons aspired to public office from a very early age, he sought the removal of those barriers which precluded him and other Jews from serving.

Alone among his Anglo-Jewish contemporaries, David Salomons was an activist, spokesman and publicist, who possessed the ability to pragmatically adapt his tactics to changing situations and circumstances in order to best promote the advancement of Jewish emancipation. With a two-pronged strategy, of winning the confidence of Englishmen through demonstrated merit and using an early form of non-violent civil disobedience, Salomons spearheaded the Jews' campaign for equality. The first facet of this strategy was inspired by the Whig elder statesman and proponent of Jewish emancipation, Lord Holland, who, in a letter to Isaac Lyon Goldsmid advised Jews to:

Make yourselves beloved by, and useful to your fellow countrymen... and when they shall elect you to be their representatives and magistrates and the law will not allow you to take office, it will be a practical grievance on them as well as on you, and must be amended.\(^{16}\)

---

15 University College, the first English higher education institution to admit Jews, was not founded until 1826, when Salomons was nearly 30. *Ibid.*, p. 32.
Applying this model, Salomons was elected to several offices. First, in 1835 he became Sheriff for London and Middlesex County. Then, in 1847, he was elected Alderman of the City of London for the Ward of Cordwainers. Finally, in 1855, Salomon was given the largely honorary, but highly prestigious post of Lord Mayor of London.

Due to his demonstrated competence, special legislation was passed on two occasions to enable him and other Jews to serve in these capacities. First, in 1835, the Sheriff's Declaration Act was passed by Parliament to enable him to serve as Sheriff of London without having to take the oath of abjuration. This was largely due to the efforts of Attorney General Sir John Campbell, who was also a supporter of Jewish emancipation. Then, due to the efforts of the eminent Conservative jurist and statesman Lord Lyndhurst, the Bill for the Relief of Persons of the Jewish Religion elected to Municipal Offices was passed in 1845, enabling Jews to take a modified oath in accordance with the dictates of their religion. This evidence of the high regard in which Salomons' execution of public offices was held can be found in pamphlets promoting the full emancipation of Jews, such as Charles Egan's The Status of the Jews in England (1848). Egan praised Salomons and other Jewish public servants for the “impartial and highly commendable manner in which these individuals have discharged their duties. . . .” This did not go unnoticed within the Jewish community. In 1847, The Jewish Chronicle credited Salomons for “having broken down the barrier intolerance has raised against us,” through his conduct, “and thus permitted others to follow.” But as much as David Salomons' strategy of demonstrated competence accomplished, it could only bring him to the doors of Parliament and no further.

What finally enabled Salomons to enter Parliament was an entirely different strategy, that of non-violent civil disobedience, inspired by the great Catholic emancipator Daniel O'Connell. O'Connell inherently distrusted the status quo and glacial parliamentary process and relentlessly agitation for Catholic emancipation, a goal that was finally realized in 1829. A supporter of freedom of conscience, O'Connell also consistently supported the cause of Jewish emancipation in Parliament. In an 1829 letter, O'Connell advised Isaac Lyon Goldsmid, that only through relentless agitation by all means short of violence could this religious oppression be overcome.

You must . . . force your question on Parliament. You ought not to confide in English liberality. It is a plant not genial to the British soil. It must be forced . . . Do not confide in any liberality but that which you will yourself rouse into action and compel into operation.

Although Goldsmid rejected O'Connell's advice and pursued primarily legislative remedies, David Salomons -- his colleague in the campaign for Jewish emancipation -- emulated O'Connell's

activism. In an 1835 pamphlet, *A Short Statement On Behalf Of His Majesty's Subjects Professing the Jewish Religion*, Salomons wrote:

Conscious of the injustice of their cause, the Jews of England can never cease pressing it on the legislature until they are placed on a parity with those of their fellow citizens whose tenets also differ from the doctrines of the Established Church.21

One distinctive aspect of Salomons' tactics was his willingness to resort to legal recourse to remedy Jewish disabilities when other methods failed. Salomons equipped himself through exhaustive research to challenge the laws that denied the Jews equal rights by identifying flaws, ambiguities and conflicts with other laws. The first occasion on which he went to court to challenge one of these injustices was when his 1835 election as an Alderman was voided because of the oath issue.22 This experience prepared Salomons for the much more challenging task of opening Parliament to Jewish membership.

**Dramatizing the Injustice: Salomons' “Illegal” Speech and Vote**

After three unsuccessful campaigns, Salomons was elected Liberal MP for Greenwich in 1851, providing him with just the opportunity he desired to dramatize the injustice of Jewish disabilities in the Parliamentary forum. Entering the House of Commons on July 18, Salomons self-administered the oaths of allegiance and supremacy on the Old Testament, but altered the oath of abjuration by striking “upon the true faith of a Christian” and substituting “So help me, God.” Then, he read a statement that he had taken the oaths “in the form and with the ceremonies binding upon my conscience . . .” and requested to proceed with subscribing to the oath and declaring his property qualification.23 This request was denied by the Speaker, who asked Salomons to withdraw. Later in the debate, Sir Benjamin Hall rose on Salomons’ behalf. Hall declared:

The hon. Member for Greenwich . . . is only anxious to put himself in a position in which that right [to sit as a representative of the people in this assembly] may be fully tried by the legal tribunals of this realm. . . .24

After a three-day interval, Salomons would act to ensure that this happened.

When David Salomons strode to the front ministerial bench of Parliament, determined to gain a venue for trying the right of Jews to sit in Parliament on July 21, 1851, a swirl of controversy flared up on the floor of Parliament. Salomons took his seat in Parliament and proceeded to vote on three motions. Many of the House of Commons’ leading orators from the Liberal Prime Minister, Lord John Russell, to Radicals John Bright and Chisholm Anstley and Conservatives Sir Robert Inglis and Sir Frederic Theisger spoke either for or against Salomons’

22 Salomons’ appeal of the voiding of his election by the Court of Aldermen, on the grounds that it was premature, was upheld by the Court of the Queen’s Bench in May, 1838, but was overturned in the Exchequer Chamber by seven votes to four in June, 1839. See Salbstein, *The Emancipation of the Jews in Britain*, pp. 128-129.
24 Ibid., Col. 981.
actions. An already impassioned debate was galvanized when Salomons rose to answer John Cam Hobhouse’s question about the course he intended to pursue.

Amidst cries of “withdraw” from conservative protectionists, in what eyewitness Bernard Cracroft described as “a war of Parliamentary elements . . . raging loud and fierce . . . [r]ound this calm and smiling personage . . .,” Salomons managed to gain Parliament’s attention with his “winning aspect.” Then, he commenced his “illegal” maiden speech. Instead of referring to his Jewish religion, Salomons asserted that, as he had been elected by a large constituency and was in a position to meet the legal requirements, he felt obligated to exercise “as an Englishman and a gentleman . . . my right to appear on this floor.” He also stated that he would not leave the floor of Parliament voluntarily, even if the majority ordered him to withdraw. In an expression of passive resistance he declared that, “just sufficient force” would need to “. . . be used to make me feel I am acting under coercion” before he would leave. Finally, he requested to be afforded an opportunity to address Parliament in detail about his rights and the rights of his constituents, prior to the Commons’ vote deciding his eligibility to serve in Parliament:

I hope this House will not refuse that which I believe no court in the country ever refuses to the meanest subject of the realm – that it will not refuse to hear me before it comes to a final decision. In an essay entitled “The Jews of Western Europe” published in the Westminster Review of March 1863, the first-hand observer Cracroft recalls the stirring impression left by Salomons’ oration:

This speech, so calm and sensible, was heard by the House in breathless silence, strangely contrasting with the previous tumult, and, at its close, was hailed with a prolonged cheer. The effect was magical. Even the outspoken O’Connell had not had the audacity to address Parliament from the floor, without recognition.

The reaction followed quickly. Shortly after Salomons concluded his brief speech, Prime Minister Russell praised him for speaking “temperately,” but refused his request for a hearing before the decision was reached. He did, however, add that, “I should think if the hon. Member for Greenwich wishes to be prosecuted, he will be able to find some person who will do it.” Shortly thereafter, Parliament voted to support the Speaker’s actions and the Sergeant-at-Arms removed Salomons. By the time he was escorted from the floor, Salomons had managed to vote on three motions in addition to delivering his maiden speech. This observation by the satire magazine, Punch, in early 1852, captures the essence of the scene, while foreshadowing the

28 It is important to qualify that Prime Minister Russell did, however, offer to allow Salomons to be heard at the bar of the House of Commons, as Daniel O’Connell had been permitted following his election by Clare County in 1828. Since Salomons had already spoken as a member, he rejected this offer because he felt it would constitute a retreat. See Hansard. Third Series, Vol. 118, Cols. 1217, 1354 and Salbstein, The Emancipation of the Jews in Britain, p.183.
eventual outcome of his efforts. We absolutely gaze upon the receding form of the ejected Hebrew, until it seems to depart clean out of the picture; but this, of course, is a delusion. 30

Following two more days of heated debate, on July 28, 1851, Parliament voted 123 to 68 to deprive Salomons of the right to sit and vote in Parliament.

Court Proceedings of Miller v. Salomons (1852) and Salomons v. Miller (1853)

As Russell had predicted, and Salomons had desired, charges were pressed against Salomons for voting on the floor of Parliament, in violation of the latest version of “the oath of abjuration” requirements in 6 Geo III, c. 53, s. 1. Thus, Salomons would have his day in the Court of Exchequer to dramatize the perceived injustice. Recognizing the gravity of this case and the importance of the legal principles involved, the judge, Baron Martin, decided that he and the jury should merely establish certain facts based on the evidence presented to them. They then turned the case over to a four-judge panel to hear oral arguments and make a final decision. 31

Oral arguments in the case of Miller v. Salomons before the Court of Exchequer occurred on January 26 and January 28, 1852. The plaintiff’s counsel, Channell, argued that if the defendant did not take the oath as required by law, he was not entitled to have voted and must be held accountable. He cited three primary reasons. First, he asserted that the laws requiring the oath of abjuration were in effect and Jews were not exempt. Next, Channell questioned the legality of swearing upon the Old Testament, which Salomons had done. Finally, he contended that the omission of “upon the true faith of a Christian” was impermissible, as it was an essential and mandatory part of the oath passed by Parliament.

Salomons’ defense counsel, the Solicitor-General Sir Fitzroy Kelly, delivered the rebuttal. Kelly’s primary contention was that duly elected Jews are entitled to sit in Parliament, but have had oaths “repugnant to their consciences” imposed upon them as a condition of exercising that right. Since the law also requires people to take oaths in forms and manners binding to their conscience, Kelly declared that:

...[T]he Court is bound to construe the words of the statutes so as to give them, if possible, such a construction as will favour liberty of conscience. 32

If the court failed to do so, Salomons would be caught in a double bind in which his conscientious refusal to take “oath in question” would expose him to “very heavy and fearful penalties.” 33 These austere consequences would include, but not be limited to, a £500 fine for each act in violation of the law, and disqualification from the exercise of several fundamental citizenship rights. Among other implications, Salomons would be deprived of the freedom to vote, hold office, sue and serve

30 “Mr. Disraeli’s Pictures. A Back View of Mr. Alderman Salomons, as he retired from the House of Commons” Punch, January–June 1852. p. 205.
31 Miller v. Salomons. April 19, 1852 in The Court of Exchequer. As reported in The Exchequer Reports, Vol. 7.
33 Miller v. Salomons. April 19, 1852 in The Court of Exchequer. Ibid., , p. 491.
as an executor or guardian.

Drawing upon Salomons’ extensive research, Kelly cited three supporting technical arguments in Salomons’ defense to demonstrate that the legislation by which Salomons was charged was no longer operable. Since no provision had been made to modify the oath of abjuration as new monachs took power, and the purpose for which it had been drafted had become archaic with the death of the Stuart Pretender in 1765, Kelly claimed that 6 Geo III, c. 53, the legislation under which Salomons was sued, was no longer in force. Furthermore, Kelly contended that, according to the wording of the Oaths Act of 1838 (1&2 Vict, c. 105), Salomons was obliged to deliver the oath in the manner he did. That law declared that “every person shall be bound by an oath taken in any form declared by the swearer to be binding . . .” and that if a person was not swearing the truth, he would be accountable for perjury. Therefore, Salomons was required to deliver the oath in the manner he did, in order to avoid perjuring himself. Finally, Kelly argued that the annual Indemnity Act (10 Geo I, c.4), exempting Jews and others from the most severe penalties of conscientious objection to the oath, had been renewed after the passage of the newest penalties legislation, (6 Geo III, c. 51), thereby modifying the meaning of the latter act.

On April 19, 1852, the four-judge panel ruled against Salomons. The judges unanimously found that all Salomons’ supporting arguments were invalid. As for the chief defense argument, the Court decided 3-1 against Salomons, making him liable to the penalties imposed by 1 Geo I, st. 2, c. 13, s. 17, for any person who takes his seat without having taken the prescribed oaths. On the latter point, Baron Martin dissented from the other judges, asserting that the existing law was irrational and outdated:

Now, can a stronger instance of absurdity be given than to insist that a Jew, to whom the oath was administered, should swear it “upon the true faith of a Christian;” and on the contrary, do not common sense and reason point out that the proper mode of administering the oath is to insist upon his omitting these words, and thereby make it in a form binding and obligatory upon him.35

Additionally, Martin decried Parliament’s failure to repeal the obsolete oath of abjuration requirements following the death of the Pretender as “. . . not in accordance with what I consider to be the principles and practice of the law of England.” He deemed the continued exclusion of Jews illogical, as it had been implemented “. . . not by a direct and intentional legislative Act, but by unforeseen and unintended application of a few words inserted in an oath with an entirely different object.” Finally, he decided that “upon the true faith of a Christian” was a ceremonial formality rather than an essential component of the integrity of the oath. His impression was further solidified by the fearful penalties to which Kelly had alluded.

By contrast, in the majority decision, Baron Alderson concluded that “upon the true faith of a Christian” was an essential part of the oath as established by law. As a “mere expounder of the law,” he felt he could arrive at no other conclusion. However, he too regretted the indirect

34 Miller v. Salomons. April 19, 1852 in The Court of Exchequer. Ibid., p. 507.
35 Baron Martin’s dissent in favor of Salomons’ right to alter the oath of abjuration according to his conscience. Emphasis in original. Miller v. Salomons. April 19, 1852 in The Court of Exchequer. Ibid., p.529.
mode by which Jews were excluded from privileges. Alderson stated that it would be "... more worthy of this country..." if it had been done directly, rather than "... by the casual operation of a clause, intended ... to apply to a very different class of the subjects of England." Laws aimed against Roman Catholics, he maintained, should not have been held against the Jews, but this was insufficient to convince him to side with Salomons. Salomons appealed this decision to the Exchequer Chamber.

During the interlude between the original trial and the appeal, Lord Lyndhurst intervened, introducing the Disabilities Repeal Act of 1852 (15&16 Vic. c. 43) to the House of Lords, in direct response to Salomons’ case. Passed by both Houses of Parliament, this legislation abolished the austere civil penalties imposed by the oath’s requirements, except for the monetary fine. To ensure that this applied to Salomons, the bill was made retroactive. Consequently, all Salomons had to do was pay the substantial, yet, for him, quite affordable, £500 fine. It exempted Salomons from being rendered ineligible for public office. Without it, Salomons would probably not have been permitted to become the first Jewish Lord Mayor of London and eventually MP for Greenwich.

Then, on May 10, 1853 the appellate case, Salomons v. Miller, was heard by a five-judge panel in the Exchequer Chamber. Sir Fitzroy Kelly again presented oral arguments on Salomons’ behalf. Kelly dropped two of the claims that had been unanimously rejected by the Court but maintained the pivotal contention that the oath must be taken in a “form and manner binding upon the conscience of the person taking it.” The next day, the Chief Justice, Lord Campbell, whose efforts had first enabled Salomons to become a Sheriff, found himself in the ironic position of delivering the unanimous decision against Salomons. He reasoned:

We have only to declare what the law is, not what it ought to be. I regret that the Act ever passed so as to exclude the Jews, and my wish is that it should be repealed. But it is our duty to put the best construction we can on the Act of Parliament; and, in so doing, we entertain no doubt whatever that, according to the existing law, Jews are excluded from sitting in either House of Parliament.

It was Salomons’ intention to appeal this decision to the House of Lords. However, because his constituents knew that the intransigent Lords would not permit him to represent them, he was

36 Baron Alderson’s majority ruling against Salomons’ right to alter the oath of abjuration according to his conscience. Miller v. Salomons. April 19, 1852 in The Court of Exchequer. Ibid, p.529.

37 Due to the £500 fine, Salomons reportedly commented that the oak bench with a red leather cushion that he occupied on July 21, 1851 was the most expensive object in his whole collection. It was presented to him after the Parliament was relocated in 1852. See M.D. Brown, David Salomons’ House: Catalogue of Mementos (England: 1968), p. 5.

38 Henriques, p. 277.


defeated in the intervening election of 1852. In this manner, his appeal was effectively quashed.

Conclusion

By demonstrating the archaic, "absurd" nature of the oath legislation in his parliamentary speech, Salomons mobilized significant support in the public arena for revising legislation to enable Jews to sit in Parliament. Because of the constituency and momentum that he had generated for emancipation, the introduction of Oaths Bills to permit Jews to enter the Commons became virtually an annual event until 1858. When the Liberals of the House of Commons threatened to seat Lionel de Rothschild with or without the Lords' approval in 1858, the Lords finally relented. A compromise devised by an opponent of emancipation, Lord Lucan, permitting each House to designate the form of the oath to be sworn, enabled Rothschild to take his seat. 41 The next year, Salomons was elected and admitted to the House of Commons as MP for Greenwich. In this capacity, he distinguished himself as an expert in monetary matters and an ardent advocate for Jewish rights. The acclaim and gratitude Salomons enjoyed within the Anglo-Jewish community is evidenced by the 1869 resolution of the Jewish Board of Deputies, which lauded him for his efforts:

...[T]he honoured name of David Salomons will ever be gratefully cherished and remembered in connexion with the great struggle for Jewish emancipation, of which he was one of the most able, indefatigable, and devoted champions; that to his indomitable efforts the Jews of this country are largely indebted for the complete removal of their civil disabilities. 42

Israel Finestein astutely observes that "Salomons saw himself as a vindicator in his own career of the reality and justice of the Jewish cause." 43 The extent of Salomons' success in these efforts is illustrated by the contrast between the derisive stereotypical views of him early in his career and the glowing tributes to his accomplishments upon his death. In the 1836 cartoon entitled "Immolation of the Jew," suffused with centuries-old stereotypes, Salomons was depicted as "the Jew" with a beard, long nose, and awkwardly fitting clothing. He was trying to climb up the ladder of government but was beleaguered by constant attempts to convince him to eat pork and convert to Christianity in order to gain acceptance. 44 One only needs to compare this with the outpouring of praise about Salomons' exemplary conduct and achievements in the obituaries commemorating his life to discern the profound impact that he had on how Englishmen viewed the Jews. Only 37 years after the above cartoon, the West Kent Journal memorialized Salomons as "...though of the Hebrew race and faith ...'as fine an old English gentleman' as ever lived in

41 Once admitted to Parliament, Rothschild is never recorded to have "opened his mouth to speak" for the sixteen years he served there. See also Paul Emden, "Sir David Salomons, Bart." In Jews of Britain: A Series of Biographies. (London: 1943) and Cecil Roth, The Magnificent Rothschilds (New York: 1939), p. 32.
42 Emphasis in original. Hyamson, David Salomons, p. 46.
the country.”45 Through the example he set and the actions he took, Salomons helped to surmount age-old stereotypes and superstitions about Jews and, by doing so, facilitated their acceptance as citizens of Great Britain, on equal terms.

Through the recounting of David Salomons’ efforts on behalf of Jewish emancipation, we may also derive significant insight as to broader trends of Victorian England. These include the removal of religious tests as criteria for entitlement to certain citizenship rights, the extension of rights to increasingly large groups in mid-Nineteenth Century England, and an emerging ascendancy of popular sovereignty over parliamentary prerogative. Salomons’ successful efforts for Jewish emancipation became a significant milestone in the progress of the official acceptance of religious dissent. No longer would religious differences preclude the full enjoyment of English liberties by the Jews. Eventually, this tolerance would even be extended to atheists, like Charles Bradlaugh.46 Additionally, both as an outside activist pressing parliamentary support of equal rights for Jews and as an insider of the House of Commons, David Salomons helped to hasten a trend in the late-Nineteenth Century Parliament that progressively extended the scope of rights to include previously disenfranchised groups. The strategies Salomons employed to achieve Jewish emancipation not only advanced the condition of the Jews, but also inspired later campaigns to improve the status of the working class and women.47 Once a Member of Parliament, Salomons utilized his vote to actively support the extension of rights to the Jews and other groups deprived of full citizenship, through his advocacy of the franchise for the working class, opening of additional professions to women and secret ballot legislation. Finally, it is significant to note that Salomons’ successful campaign for Jewish emancipation demonstrated the ascendancy of the right of the people to choose their own representatives over the parliamentary prerogative to set conditions upon who could be a member of that institution. Surprisingly, despite all his accomplishments, David Salomons has become the forgotten champion of Anglo-Jewish emancipation.

45 Quoted in Hyamson, *David Salomons*, p. 103.
46 Although Sir Robert Inglis, a staunch Conservative opponent of Jewish emancipation, predicted that Jewish Emancipation would lead to the separation of Church and State, he was wrong. Today, the Anglican Church remains a part of the English State. Gilam, p. 141
47 As an outside activist writing pamphlets intended to mobilize support for emancipation, Salomons used language foreshadowing John Stuart Mill’s arguments in favor of remedying the status of women, when he declared that: “The constructive disability [against Jews], which you [Lord Derby] wish to perpetuate, is not only unjust, but contrary to the spirit of the constitution.” See David Salomons, “Alteration of the Oaths Considered, in a letter to the Earl of Derby.” Reprinted in three installments in the *Jewish Chronicle* on June 24, July 1, and July 8, 1853, pp.297-8, 305-6 and 314.
Bibliography

Primary Sources


---. 1830 *Hansard’s Parliamentary Debates, Third Series*, vol. 24, cols. 793-796.


---. *Statutes at Large*, 1672. 25 Charles II, c. 2. Test Act of 1673.


---. *Statutes at Large*, 1858. 21&22 Victoria c. 48,49, vol. 98. London: Eyre and Spottiswoode Printers to the Queen’s Most Excellent Majesty, 1858.

*Jewish Chronicle*. June, 1851 - June 1853.

*London Illustrated News*. July 26, 1851, Nov. 10, 1855, July 26, 1873.


*Punch*. 1851 - 1853, 1855, 1858.


*Times (London).* June-July 1851.

United Committee Appointed To Conduct The Application Of Protestant Dissenters For Relief. *Abstract of The Corporation and Test Acts; More Particularly As To Such Parts Of Them As Relate to The Imposition Of The Sacramental Test: Also Of Subsequent Acts And Clauses Which Affect The Same Including The Annual Indemnity Act.* London: Hunter and Holdsworth, 1828.

**Secondary Sources**


