

Law on the Colonies

1791

Decree of May 13, 1791:

The National Assembly decrees as an article of the constitution that the legislature shall make no law on the status of unfree persons in the colonies except at the specific and unprompted request of the colonial assemblies.

Decree of May 15, 1791:

The National Assembly decrees that the legislature will never deliberate on the political status of people of color who were not born of free fathers and mothers without the previous, free, and unprompted request of the colonies; that the presently existing Colonial Assemblies will remain in place, but that the Parish Assemblies and future Colonial Assemblies will admit the people of color born of free fathers and mothers if they otherwise have the required status.

Official Explanation:

The National Assembly, attentive to all means of assuring prosperity in the colonies, to ensure that the citizens living there enjoy the advantages of the constitution . . . , recognizes that local circumstances and the kind of agriculture that brings colonial prosperity appear to require introducing into the colonial constitution several exceptions to the [French Revolution's] general principles.

. . . On March 28, 1790, The National Assembly declared that the legislature would discuss the status of nonfree persons only on the unprompted request of the Colonial Assemblies.

The National Assembly was able to make this commitment because it only involved individuals of a foreign land who, by their profound ignorance, the misfortune of their exile, the consideration of their own interest, and the urgent law of necessity, can only hope that in time the progress of public opinion and enlightenment will produce a change of conditions that, in the present state of things, would be contrary to the general good and might become equally dangerous for them. . .

The National Assembly could not refuse to render this March 28 [1790] decree; it is not up to it to restrict its meaning, damaging the essential rights of the citizens; it cannot grant one part of the empire the ability to exclude men from active citizenship when the constitutional laws guarantee those rights in the entire empire. The rights of citizens exist before society; they serve as its base. The National Assembly can only recognize and declare them; fortunately, it is powerless to infringe upon them.