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THE BEDFORD SERIES IN HISTORY AND CULTURE

# The French Revolution and Human Rights

## A Brief Documentary History

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PART ONE

## Introduction: The Revolutionary Origins of Human Rights

"Human rights" is perhaps the most discussed and least understood of political terms in the late twentieth century. Even its precise definition is uncertain: To cite only two of the most recently debated examples, does it include the right not to starve and the right to a protected ethnic identity? In the eighteenth century, many writers distinguished between *political* and *civil* rights: Political rights guaranteed equal participation in voting, officeholding, and other aspects of political participation; civil rights guaranteed equal treatment before the law in matters concerning marriage, property, and inheritance, that is, nonpolitical matters. In the twentieth century the distinction between political and civil rights has been blurred because, increasingly, people assume that individuals should enjoy both (hence the more general term *human rights*), and other rights have been progressively added to the list: the right to nondiscrimination in employment or housing, the right to a basic level of welfare, and the like.

Despite — or perhaps because of — its vagueness, the concept of human rights commands widespread public support, especially in the Western world but also worldwide. In 1948, the United Nations made

human rights the standard of international justice by adopting a Universal Declaration of Human Rights. It proclaimed that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."<sup>1</sup>

This broad claim summarizes the essence of the concept of human rights as it has developed since the seventeenth century. To declare the existence and political relevance of human rights in this fashion implies that (1) all human beings have certain inherent rights simply by virtue of being human, and not by virtue of their status in society; (2) these rights are consequently imagined as "natural," as stemming from human nature itself, and they have in the past often been called "natural rights"; (3) rights belong therefore to individuals and not to any social group, whether a sex, a race, an ethnicity, a group of families, a social class, an occupational group, a nation, or the like; (4) these rights must be made equally available by law to all individuals and cannot be denied as long as an individual lives under the law; (5) the legitimacy of any government rests on its ability to guarantee the rights of all its members.

These conditions might seem straightforward to us now, but they imply a break with all the traditional ideas of government dominant in the world before the end of the eighteenth century and continuing in influence in many places even today. Traditionally, rulers exercised supreme power because something about their persons (royal birth, military success, or religious leadership) made them closer to God than ordinary mortals, and whole groups within society (such as nobles) enjoyed certain privileges depending on the customs and traditions of the country. Privileges depended on social rank in a vertical hierarchy distinguishing higher from lower groups, whereas human rights rest on an implicitly horizontal conception of society in which all politically active individuals possess the same rights by their nature as humans.

Several contrasts follow from the fundamental differences in the way society is conceived. People who believe in human rights emphasize the sanctity of the individual, imagined to be like all other individuals; traditional governments stressed the sanctity of one individual, the king or queen, and the importance of social differences. The notion of human rights tends to favor democracy; traditional ideas of social difference supported aristocracy and monarchy. Religion could and did justify both conceptions; but in the long run the believers in human rights often insisted on a separation between church and state, whereas upholders of traditional ideas argued for a close connection between religion and politics. Thus human rights was an idea with great consequences; more

than any other notion, it has defined the nature of modern politics and society.

In theory, according to the UN declaration of 1948, all people are equally entitled to human rights. Article 1 of the declaration asserted that "All human beings are born free and equal in dignity and rights." The application of the theory is far from perfect, of course, even at the end of the twentieth century. And the theory itself has been questioned in some quarters. Ever since the concept of human rights emerged in the late seventeenth and eighteenth centuries, there has been persistent debate about its value and pertinence. In the early nineteenth century, for example, the English political philosopher and social reformer Jeremy Bentham insisted that "Natural rights is simple nonsense; natural and imprescriptible rights (an American phrase), rhetorical nonsense, nonsense upon stilts."<sup>2</sup> Later in the nineteenth century some argued that rights belonged only to communities or nations, not individuals. More recently, some nations have rejected the relevance of human rights to their lands, arguing that human rights is only a Western notion and hence unsuited to other cultures.

But even when and where the idea of rights gained acceptance — as in the British North American colonies of the eighteenth century — the meaning of those rights became a subject of intense debate (and, in the United States, ultimately the subject of a civil war in the 1860s). In many ways the political history of the Western world since the early eighteenth century has been dominated by the issue of rights: Do they exist, what are they, who enjoys them, and what means are justified in protecting and establishing them? The concept of rights has constantly expanded since its first articulations: From its origins in discussion about the rights of propertied men and religious minorities, it has slowly but almost inevitably grown to include women, nonwhites, and every other kind of minority from homosexuals to the disabled.

Most debates about rights originated in the eighteenth century, and nowhere were discussions of them more explicit, more divisive, or more influential than in revolutionary France in the 1790s. The answers given then to the most fundamental questions about rights remained relevant throughout the nineteenth and twentieth centuries. The framers of the UN declaration of 1948 closely followed the model established by the French Declaration of the Rights of Man and Citizen of 1789, while substituting "human" for the more ambiguous "man" throughout. Article 1 of the French declaration of 1789 decreed, for instance, that "Men are born and remain free and equal in rights," virtually the identical language of the first article of the 1948 declaration.

## DEFINING RIGHTS BEFORE 1789

The idea of universal human rights *is* Western in origin. It did not appear all at once but slowly emerged in the eighteenth century, in large part as a reaction to contemporary political conflicts — in Great Britain, between Great Britain and its North American colonies, and in France. Its sources varied from new conceptions of individual autonomy (the belief that individuals should make their own decisions about marriage, for example) to debates about the foundations of government.<sup>3</sup> What is most distinctive about Western notions of human rights is the emphasis on their universal applicability; by implication, human rights are for all humans, not just for one nation or group.

This universalism has many roots, ranging from the Western notion of “natural law,” which had precedents going back all the way to the Greeks, to the less exalted influence of Western imperialism and colonialism, which encouraged the conviction that Europeans could determine what was best for other peoples too. Philosophers, such as Hugo Grotius in 1625, argued that natural laws derived from the study of human nature, not religion; that they did not vary by historical context; and that they therefore existed independently of all political powers and authorities. In other words, natural law stood above the current historical and political context and served as a measuring rod against which any actual laws or governments could be judged. Ironically, ideas of natural law and especially natural rights were soon picked up by the opponents of Western imperialism and colonialism and used to attack the subjugation of other peoples; colonizing them, they argued, destroyed their natural rights.

The social contract theory put forth by John Locke in 1690 provided a crucial link between natural law and universal rights; he held that all government rested on an implicit social contract rooted in human nature. The social contract expressed natural laws and served to protect natural rights. But what were those rights and was everyone equally entitled to them? In one of the most enduringly influential formulations of human rights, Locke maintained that all *men* had a natural right to life, liberty, and property:

Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrolled enjoyment of all the Rights and Privileges of the Law of Nature, equally with any other Man, or Number of Men in the World, hath by Nature a Power, not only to preserve his Property, that is, his Life, Liberty and Estate, against the Injuries and Attempts of other Men; but to judge of, and punish the breaches of that Law in others.<sup>4</sup>

In Locke's view government should be designed to protect these rights. If it did not, then it could be justifiably overthrown, as the English Parliament had overthrown King Charles I in the 1640s. Just what Locke meant, however, by “man” or “men” has long been the subject of debate. When Locke wrote at the end of the seventeenth century, he had in mind the rights of European (and particularly English) male property owners, not poor propertyless men, not women, not slaves. Locke himself invested money in the English slave trade and justified slavery as the legal fruit of wars of conquest.

The French philosophers and propagandists of the eighteenth-century intellectual movement known as the Enlightenment wanted to go further than Locke in their definition of natural rights, although they disagreed about just how far. Like Locke, Jean Jacques Rousseau insisted in 1762 that society and government could be based not on tradition, custom, habit, or history but only on rational principles. But unlike Locke, Rousseau believed that these principles should apply to all men, whether kings or peasants, property owners or propertyless, French or Tahitians. In other words, Rousseau's vision was even more universalistic than Locke's. Yet Rousseau, like other Enlightenment thinkers, never precisely defined rights beyond the right of all men to participate in making the social contract. Enlightenment writers held that reason revealed self-evident truths and that among those truths were the natural rights of all peoples; for some at least this meant slaves as well as property owners, although few — and certainly not Rousseau — thought it included women as well as men.

The article “Natural Law” from the French *Encyclopedia* (1755) — see document 1 in this text — summarized many of these eighteenth-century Enlightenment views. Unlike present-day encyclopedias, the French one edited by Denis Diderot and Jean d'Alembert between 1751 and 1780 provoked immediate political and religious controversy. It challenged many beliefs and customs of its time and earned its editors constant government harassment and condemnation by the Catholic Church. The article on natural law might seem at first glance to be tamely abstract and far removed from contemporary polemics, but its matter-of-fact style of reasoning cloaked serious challenges to the French monarchical system. The article argued that natural law was a familiar idea because it was based on reason and common human feeling. It went on to insist that by natural law the “general will” provides the only foundation of social and political duties. The general will, in turn, teaches people how to determine their natural rights. Thus this general will based on reason and nature had very little in common with the usual justifications of monarchy;

indeed, the concept of general will, often defined as the will of all, might conceivably legitimize democracy instead (as it did in the writings of Rousseau, another contributor to the *Encyclopedia*).

Like most other monarchies in the eighteenth century — and monarchy was the dominant form of government everywhere in the world at the time — the French monarchy based its legitimacy on “divine right”: Monarchs ruled because God had chosen them for their positions. Kings (queens, being women, were more problematic and in France could never rule in their own names) were imagined as literally closer to God than were other humans. Kings occupied the highest positions among humans on the great chain that stretched from God down through humans to all the lowliest creatures on earth; they consequently had a religious aura about them. Aristocrats, because of their noble birth, were higher than commoners; merchants were higher than servants; and so on. An individual’s position was determined by his or her rank, literally one’s place in a vertical hierarchy (a woman’s rank was determined by her father’s before marriage and by her husband’s after marriage). One’s privileges followed from this social position.

The *Encyclopedia*, in contrast, spoke the language of equal, individual human rights: “I am a man, and I have no other true, inalienable *natural rights* than those of humanity.” The article on natural law, written by Diderot himself, made no mention of social differences or, for that matter, of kings. Indeed, it concluded with a clear challenge to the monarchy: “the laws should be made for everyone, and not for one person [presumably the king].” Like other mid-eighteenth-century Enlightenment thinkers, Diderot never specified the content of those “true, inalienable *natural rights*” of humanity. His article advocated the use of reason to determine them yet stopped short of actually providing a list. This reticence probably made sense, given the situation: The mere insistence on “natural” rights might be viewed as threatening to established authorities. Moreover, because the French monarchy considered itself above ordinary mortals and closely tied to the Catholic religion, it tolerated neither open criticism of its policies nor variations in religious practice. Even such vague formulations as that of the *Encyclopedia*’s on natural law brought down the wrath of French censors.

The idea of human rights nonetheless steadily gained ground in the eighteenth century, propelled by the campaigns for religious toleration and the abolition of slavery. In 1685, Louis XIV had revoked all the rights and privileges of French Calvinists (Protestants who followed the teachings of the French-born reformer Jean Calvin), requiring them to convert to Catholicism. The king ordered the destruction of all their churches,

forbade any public form of their worship, confiscated the property of any Calvinist who fled, and condemned to the galleys any pastor who refused to renounce his religion. Two hundred thousand Calvinists immediately fled into exile, where they were joined by another one hundred thousand in the following decades. But many others stayed behind to practice their religion secretly. Despite widespread support for this policy within the country, criticism both inside and outside of France grew steadily, and it did much to fuel the Enlightenment as a movement for reform.

Over the course of the eighteenth century, public opinion gradually became more favorable to the Calvinists (the Crown did not persecute the Lutherans in the newly conquered eastern provinces because there were no Lutherans in the rest of France).<sup>5</sup> The Calas Affair brought reform sentiment to a boil. In 1761 the son of the Calvinist Jean Calas apparently committed suicide by hanging himself at home. The family did not report it as such because suicide was considered a crime and entailed a humiliating public trial of the cadaver. Believing rumors that Calas had killed his son to prevent his conversion from Calvinism to Catholicism, local magistrates condemned the father to torture and death. In a punishment all too typical of eighteenth-century penal methods, the executioner first broke Calas’s bones with an iron rod and then completed the destruction by pulling his limbs apart on a wheel. Throughout these torments, Calas refused to confess, insisting on his innocence to the end. After the execution, the Enlightenment writer Voltaire took up the family’s cause and eventually won official rehabilitation of Calas’s reputation and compensation for the family. During the controversy, Voltaire wrote his *Treatise on Toleration* (1763) — see document 2 in this text — in which he argued that freedom of conscience was guaranteed by natural law and that religious toleration would help ensure social stability and prosperity. The French government immediately seized copies of the book and imprisoned people caught distributing it.

After decades of mounting criticism and the conversion of leading officials to the cause of reform, the French monarchy finally gave way and granted, with much reluctance, certain civil rights to Calvinists. The Edict of Toleration of 1787 (see document 3) used the new language of rights, but in a very restricted fashion. Rights, in the government’s usage, were not universal or inherent but, rather, limited privileges bestowed by monarchical favor. In fact, the Latin roots of the word *privilege* translate as “private law” (*privus* = private, *legem* = law), the very antithesis of rights based on universal, natural law. The edict offered the rights of civil status (legally recognized births, marriages, and deaths), property and inheritance, and freedom to choose a profession, but it refused all political rights

to Calvinists, including the right to hold judicial or municipal offices. Not surprisingly, many felt less than satisfied by these concessions. One Calvinist leader, Rabaut Saint Etienne, wrote to the government with pointed criticisms (see document 4). Most strikingly, he complained about the government's use of the phrase "natural rights," arguing that anyone who truly believed in them would find the edict woefully inadequate.

The French government did not persecute its Jewish population as flagrantly as it did the Calvinists, but popular prejudices against them ran even more deeply. In 1686 the French monarchy decreed that Portuguese and Spanish Jews could remain in the kingdom without converting. As France acquired more territories in the east (Alsace and Lorraine) in the eighteenth century, it also absorbed a much larger Jewish population. Unlike the Portuguese and Spanish Jews who lived in southern France with manners and customs similar to other French people, the eastern Jews knew little French and were isolated even from their German-speaking neighbors because they spoke the Yiddish language and often wrote in Hebrew. By law, Jews in the eastern provinces could not live in most of the big cities or practice most occupations; they were restricted to trading in animals and secondhand clothes and to offering loans with interest, provoking in turn great animosity in the peasant-debtor population. The legal situation of the Jewish population varied from region to region and even from town to town; they had no civil rights under French law, but, unlike Calvinists, they could live in their own communities, practice their religion, and decide their political and judicial affairs for themselves, even while paying taxes to the French state.<sup>6</sup>

Most Enlightenment thinkers remained indifferent to the plight of the Jews in France because they did not suffer official persecution. Many, notably Voltaire, even shared popular prejudices against the Jews, considering them a separate nation with peculiar religious and cultural practices. On the one hand, Voltaire opposed persecution of the Jews, arguing, for example, "What was the Jews' crime? None other than being born." On the other hand, he often railed against Jewish customs in stereotypical fashion: "they were therefore rightly treated as a people opposed to all others, whom they served, out of greed and hatred, out of fanaticism; they made usury [the collection of exorbitant interest on loans] into a sacred duty."<sup>7</sup> Nonetheless, by the 1780s, partly in reaction to the discussion of the rights of Calvinists, enlightened opinion had begun to consider some kind of reform of the Jews' situation necessary. The chief literary and scientific society of Metz, a major city in eastern France, held an essay contest in 1787 and 1788 on the question "Are there means for making the Jews happier and more useful in France?"

Almost all of the contest respondents urged improvement in the status of Jews, even though they often described Jews in negative terms. One prize-winner, Abbé Grégoire, a noted advocate of human rights reform, referred to the Jews as "parasitic plants who eat away the substance of the tree to which they are attached."<sup>8</sup> He favored reform so that the Jews could assimilate with — become more like — the French. Even the one Jewish respondent (see document 5 in this text) argued that reform would help make Jewish merchants more honest in their dealings.<sup>9</sup> Despite the depth of anti-Semitic prejudice, however, the essay contest showed that the legal status of even non-Christian minorities had now come into question. Raising the issues of utility and happiness inevitably led to discussions of rights; if the Jews were to become more useful and happier, then they would have to enjoy rights similar to those of other French people. The monarchy set up a commission to study the status of the Jews in 1788, but it never reached any decision.

Like the prejudices against the Jews, slavery had a long history in Europe, but it took a precise legal form in France only at the end of the seventeenth century, when French traders and colonists became active in the Caribbean. In the eighteenth century both slave trading and colonial commerce in the Caribbean expanded dramatically, linked together by the establishment of sugar, indigo, coffee, and cotton plantations worked by slaves imported from Africa. At the end of the seventeenth century the French slave trade supplied the Caribbean colonies with one or two thousand slaves annually; by the 1780s the annual average had risen to thirty-seven thousand slaves. By then, one-eighth of the French population depended on colonial commerce for their livelihoods. Like the persecution of the Calvinists, although even more slowly and hesitantly, the trading in slaves and slave-produced goods eventually aroused opposition. In Great Britain and the British North American colonies, antislavery agitation had religious roots in evangelical Protestantism, especially among the Quakers. But in mostly Catholic France, antislavery opinion originally derived from the Enlightenment's very secular emphasis on universal human rights.

The first important salvo of the French antislavery campaign was Abbé Raynal's monumental history of European colonization, *Philosophical and Political History of the Settlements and Trade of the Europeans in the East and West Indies* (see document 6 in this text), published in 1770 but expanded and reedited many times thereafter. That this hugely detailed, multivolume history could serve as a rallying cry for reformers in both Europe and America is hard to imagine now, but it did, and spectacularly so. Raynal and his collaborators denounced all

the arguments based on custom or history used to support slavery and even predicted a general slave revolt in the colonies (which in fact did take place during the French Revolution). Himself a Catholic clergyman, Raynal reserved his harshest blame for clerics who tolerated the horrors of slavery. Following the spirit of the increasingly influential natural rights tradition, Raynal relied entirely on “these eternal and immutable truths” to make his argument.

Some of the greatest beneficiaries of the social system of the French monarchy took the lead in the antislavery movement that emerged in the 1780s. In 1781 a nobleman, the Marquis de Condorcet, published a ringing condemnation of slavery (see document 7) under the pseudonym Mister Schwartz (*schwarz* is German for “black”). He did not stop at denouncing slavery as wrong; he called it a crime because it deprived slaves of their rights. Since slavery was a crime, the masters themselves enjoyed no rights over their slaves, he concluded. Condorcet linked the fight against slavery to long-standing Enlightenment campaigns for the abolition of legal torture, reform of the criminal law codes, and restoration to the Calvinists of their civil and political rights. In the same spirit he also opposed the burning of “sodomites,” the label for male homosexuals in the eighteenth century. “Sodomy,” he argued, “when violence is not involved, cannot be considered a criminal offense. It violates the right of no other man.”<sup>10</sup> Condorcet believed that so long as an activity did not violate any human rights, it should not be criminalized; likewise, whatever violated a person’s rights ought to be considered a crime.

Condorcet joined the Society of the Friends of Blacks, founded in 1788 by Jacques Brissot to agitate collectively against the slave trade and slavery itself. Brissot modeled the society on the London Committee for the Abolition of the Slave Trade, established in 1787. He hoped that the groups might cooperate in an international effort to eliminate the slave trade.<sup>11</sup> The French society explicitly endorsed the idea of human rights; for them the first of all truths was “all men are born free.” But in the still constrained atmosphere of the monarchy, they advanced their ideas (see document 8) only in the most tentative terms, knowing that the colonial and commercial interests invested in slavery still exercised great power. As a consequence, their pamphlets argued that slavery should in principle be abolished but advocated no specific plan to achieve this end.

The most deeply rooted prejudice of all proved to be the view that women were unsuited to political life by their very nature. Although many thinkers, both male and female, had raised the question of women’s status

through the centuries, most of them had insisted primarily on women’s right to an education (rather than on the right to vote, for instance, which few men enjoyed).<sup>12</sup> The status of women did not excite the same interest — as measured in terms of publications — as that of slaves, Calvinists, or even Jews in France; the issue of women’s rights did not lead to essay contests, official commissions, or Enlightenment-inspired clubs under the monarchy. In part this lack of interest followed from the fact that women were not considered a persecuted group in the same way as slaves, Calvinists, or Jews. Although women’s property rights and financial independence often met restrictions under French law and custom, most men and women agreed with Rousseau and other Enlightenment thinkers that women belonged in the private sphere of the home and therefore had no role to play in public affairs. Most of France’s female population worked as peasants, shopkeepers, laundresses, and the like, yet women were defined primarily by their sex (and relationship in marriage) and not by their own occupations. It was consequently by no means certain that the “rights of man” were imagined as applying in the same way to women.

The woman question thus trailed behind in the wake of human rights agitation in the eighteenth century. But like all the other questions of rights, it would receive an enormous boost during the Revolution. When the monarchy faced one of its perennial financial crises in the 1780s, this one brought on by its borrowing to support the North American colonists in their war against Great Britain, its fumbling for a solution to its problems created an unprecedented situation. Failing to get agreement from the high courts (parlements) or two assemblies of notables to his proposed fiscal reforms and facing imminent bankruptcy, Louis XVI agreed to convoke a meeting of the Estates General for May 1789. The Estates General had not met since 1614, and its convocation heightened everyone’s expectations for reform. The king invited the three estates — the clergy, the nobility, and the Third Estate (made up of everyone who was not a noble or a cleric) — to elect deputies through an elaborate, multilayered electoral process and to draw up lists of their grievances. At every stage of the electoral process, participants (mostly men but with a few females here and there at the parish level meetings)<sup>13</sup> devoted considerable time and political negotiation to the composition of these lists of grievances. Since the king had not invited women to meet as women to draft their grievances or name delegates, a few took matters into their own hands and sent him their own petitions outlining their concerns (see document 9 in this text). The modesty of most of these complaints and demands demonstrates the depth of the prejudice against



women's separate political activity. Women could ask for better education and protection of their property rights, but even the most politically vociferous among them did not yet demand full civil and political rights.

The thousands of meetings held to elect deputies to the Estates General immediately heated up the political atmosphere. When the Estates General had last met in 1614, France had no daily newspapers and no regular postal system, making developments hard to follow. By 1789 the communications system had evolved and literacy had more than doubled (reaching 50 percent for men and 27 percent for women); mail still took a week or ten days to reach the peripheries of the country, and the government still officially controlled book and newspaper publication, but it could not hold back the flood of pamphlets that now streamed forth on every imaginable political topic.

The most pressing issue was how the Estates General would conduct its voting. The king granted the Third Estate twice the number of deputies as either the clergy of the First Estate or the nobility of the Second Estate. But he left it to the Estates General to decide whether it would vote by "order" (estate) or "head" (individually). Vote by order — each estate casting one collective vote — would give the clergy and the nobility a virtual veto over the proceedings. Vote by head would give the Third Estate the upper hand; it would need only one deputy from either of the other two orders to command a majority. The stakes were high, for the entire political future of the country depended on this decision.

A remarkably hard-hitting pamphlet (see document 10) by a clergyman, Abbé Sieyès, crystallized much of the discussion and showed its wider implications for the nature of French society. Sieyès attacked in simple and straightforward terms every form of legal privilege and in particular assailed the nobility as a parasite — quite literally a foreign body — that sapped society. He held out a new vision of the nation in which individuals would be judged and ranked only by their contribution to productive life, not by their family background and their inherited privileges; in this nation the Third Estate would be dominant, rather than dominated by the other two estates. His pamphlet electrified readers and contributed to the Third Estate's determination to hold firm against the two "privileged" orders. Sieyès himself was elected as a deputy to the Third Estate. Even before the Revolution officially began, then, the unsettling consequences of the new notions of the individual had become apparent. "Privileges" would no longer go unchallenged; rights had to be equal in the new nation. The very idea of nobility or aristocracy was itself called into question.

## THE DECLARATION OF THE RIGHTS OF MAN AND CITIZEN, 1789

The American War of Independence had helped make notions of human rights even more influential in France, for many of the French officers who served in North America arrived home fired by the ideals of liberty that they saw in action in the New World. Thomas Jefferson's Declaration of Independence of 1776 put the Enlightenment position on rights into a declarative, political form: "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness" — happiness being an Enlightenment addition to Locke's original list of rights. The protection of these rights justified colonial resistance to Great Britain, but this was as far as the declaration went; it had no legal relationship to the constitutions written later.

When declaring their rights the Americans drew on the constitutional tradition that they had inherited from the English. English Parliaments regularly cited King John's Great Charter of English liberties, the Magna Carta of 1215. The constitutional conflicts between the English Crown and Parliament in the seventeenth century inspired a renewal of the declaratory urge, as Parliament forced Charles I to accept a Petition of Right in 1628 and then insisted that the newly crowned William and Mary agree to a Bill of Rights in 1689. These documents reaffirmed the "ancient rights and liberties" of Englishmen as represented in English common law and the customary relations between Crown and Parliament; they grew out of English legal traditions and constitutional quarrels rather than a universal human rights philosophy.<sup>14</sup> Locke's writings, forged in the midst of these very English struggles, helped turn the idea of rights and liberties in a more universalistic direction.

The idea of proclaiming a bill of rights passed over into the rebellious American colonies in the 1770s, where several state legislatures drew up such bills when they wrote new state constitutions. The most influential of these was the Virginia Bill of Rights, drafted by George Mason and adopted in 1776. It clearly influenced the French deputies when they met in 1789. The first article of the Virginia Bill of Rights held "That all men are by nature equally free and independent, and have certain inherent rights . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." Like Jefferson's Declaration of



Independence, the Virginia Bill of Rights proclaimed the rights of *all* men, not just Americans or Virginians. The new U.S. Congress began its discussion of a federal bill of rights at about the same time as the deputies in the new French National Assembly considered drafting a declaration of their own. The idea of making a solemn declaration of rights was definitely in the air.<sup>15</sup>

On June 17, 1789, after six weeks of inconclusive debate about voting procedures, the deputies of the Third Estate proclaimed themselves the *true representatives of the nation*; they invited the deputies from the two other orders to join them as deputies of a National Assembly. By the stroke of a pen — once the deputies of the clergy and the nobility began to join them — the Third Estate had transformed the political situation of the country, and as the National Assembly it turned to writing a constitution based on new principles. Many believed that the constitution must be preceded by a declaration of rights. Marquis de Lafayette, one of the most celebrated French participants in the American War of Independence and a close friend of Thomas Jefferson, offered the first proposal on July 11, 1789 (see document 11 in this text).

Events quickly overtook the discussion. On July 13 the people of Paris learned that Louis XVI had secretly fired his finance minister Jacques Necker, a supporter of the Third Estate. Bands of Parisians began to arm themselves. On July 14 an armed crowd attacked the most imposing symbol of royal power in the city of Paris, the huge Bastille prison. When the garrison capitulated, the crowd cut off the head of the prison governor and paraded it through the streets. Parisians acted because they feared that the movement of thousands of army troops into their city presaged an attack on the new National Assembly, which met nearby in Versailles. The king had to back away from any such plan, if indeed he had one. The old leaders, from the king on down, began to lose their authority. Discussion of a declaration of rights now took place in a much tenser and more uncertain atmosphere, but it seemed, if anything, more urgent than ever.

When debate focused in August on the declaration (see documents 12 and 13) it revealed a great diversity of opinion about the desirability of making any kind of proclamation of specific rights. This division of opinion continued down to the present; did the proclamation of rights provide the only viable basis for the government's legitimacy, or did it only create unreasonable expectations in a society that could not immediately deliver on the promise of equality? The influence of American models made itself felt in the discussion, but the French deputies clearly

aimed for something even more universal: As Duke Mathieu de Montmorency exhorted, "[the Americans] have set a great example in the new hemisphere; let us give one to the universe." Even at this very early stage of discussion, the connection between natural rights and democracy as a form of government had already emerged; some argued that democracy might be suitable to the Americans with their custom of equality (document 13) but could not be introduced in France, with its heritage of feudalism and aristocratic privilege.

Prominent deputies, including Abbé Sieyès and Marquis de Lafayette, rushed their proposed declarations into print for all to consider. In the end, however, the National Assembly adopted as its text for debate a compromise document drawn up collectively by one of its own subcommittees. In the ensuing discussion, the deputies modified and pared down the subcommittee's original twenty-four articles to seventeen. After six days of debate (August 20–24 and August 26), they voted to postpone any further discussion until after drawing up a new constitution. They never reopened the question. Thus the declaration (see document 14) comprised the seventeen articles that could be agreed on during those six days of debate.

However much the subject of political negotiation and compromise at the time, the declaration exercised an enduring influence on all subsequent discussions of human rights. Like the Declaration of Independence and the Virginia Bill of Rights of 1776, the Declaration of the Rights of Man and Citizen spoke the language of "the natural, inalienable and sacred rights of man." But unlike its predecessors, it stood as the preamble to the constitution and provided the principles of political legitimacy. In the United States the Bill of Rights served to protect citizens from government and was composed only after the constitution itself was ratified; in France the declaration of rights provided the basis for government itself and was consequently drafted before the constitution.

The Declaration of the Rights of Man and Citizen laid out a vision of government based on principles completely different from those of the monarchy. According to the declaration, the legitimacy of government must now flow from the guarantee of individual rights by the law. Under the monarchy, legitimacy depended on the king's will and his maintenance of a historic order that granted privileges according to rank and status. Most remarkably, the deputies of 1789 endeavored to make a statement of universal application, rather than one particularly or uniquely French, and it is that universality that has ensured the continuing resonance of the document. In 1793 and again in 1795 new assemblies drew up new declarations, but these never enjoyed the prestige or authority of the 1789 declaration.

## DEBATES OVER CITIZENSHIP AND RIGHTS DURING THE REVOLUTION

Rather than ending debate about rights, the vote on the declaration opened it up in new ways. The very existence of an official document based on universal principles seemed to encourage further consideration. Once the principle of rights and their guarantee as the basis of government had passed into law, a crucial question shaped succeeding discussions: Who was included in the definition of a “man and citizen”? The poor, the propertyless, religious minorities, blacks, mulattoes (people of mixed race), even women? Where should the lines be drawn? The question of citizenship helped drive the Revolution into increasingly radical directions after 1789 as one excluded group after another began to assert its claims.

Throughout the nineteenth and twentieth centuries, the same issue aroused debate and provoked political conflict in every Western democracy. It remains one of the most important problems, albeit in different forms, in democracies today. Should illegal immigrants, for example, have the same rights as citizens? How long must you reside in a country to merit citizenship and full rights? How old must you be to become a full citizen? And what counts as rights: access to housing, employment, a minimum wage, abortion, or even the right to die when you choose? The variety of these modern questions shows that once rights became the basis of legitimate government, debate would inevitably shift in new directions to consider who could exercise rights and what those rights might include.

French legislators approached the question of citizenship step by step over a period of five years after 1789. Rights became the subject of so much explicit discussion in France because the political situation remained fluid — at times violently unstable — during those years. Between 1789 and 1791 the National Assembly drafted legislation to establish a constitutional monarchy. To qualify for voting, men had to be property owners, but the deputies eliminated all the previous forms of legal privilege, including noble titles. An elected Legislative Assembly subsequently took office on October 1, 1791. The situation did not stabilize in 1791, however, in part because the king tried to flee to the border in disguise, in part because large numbers of former nobles left the country to form armies to combat the revolutionaries.

War brought political conflicts to a head. In April 1792, France went to war with Austria (seen as an instigator of counterrevolutionary efforts) and soon lost a series of critical battles. Faced with the threat of foreign

invasion, a popular uprising in Paris on August 10, 1792, forced the Legislative Assembly to depose the king from his position. The “second revolution” of August 10 opened a much more radical period in French politics. The voters elected new deputies, who promptly abolished the monarchy and established a republic. Meeting as a National Convention, the deputies tried the king for treason and ordered his execution.

The fledgling republic faced an increasingly broad and desperate war with all the major European powers, most of them monarchies deeply suspicious of republican or democratic forms of government. Between September 1792 and the election of yet another government in 1795, the National Convention ruled by a combination of laws and emergency decrees. It suppressed property qualifications for voting and eventually abolished slavery in the French colonies, but at the same time it forbade women to set up their own political clubs, established new forms of censorship, and repressed most forms of political dissent. Under a regime known as the Terror, which lasted until the end of July 1794, revolutionary tribunals sentenced thousands of opponents of the government, male and female, to death at the newly invented guillotine. Rights and revolution therefore had a paradoxical relationship: The emergency government extended some rights in new directions (abolishing slavery) while violently suppressing others (especially freedom of speech).

After 1795, when another, still republican, constitution came into force, the political situation began to steady in some respects. The government used the guillotine much less frequently to terrorize its opponents, and it tried to rule by law rather than emergency decree. The discussion of rights, however, had reached its end; the new legislature considered turning back the clock on some issues (the deputies discussed revising or even abrogating the right to divorce made into law in 1792, for instance), but legislators found themselves too bogged down in ongoing political divisions to act decisively. Royalists wanted to reestablish the monarchy and bring back the nobility; left-wing republicans wanted to revive the political fervor of 1792–94; right-wing republicans wanted a more authoritarian form of government with strong central leadership.

In 1799, General Napoleon Bonaparte seized his opportunity in the midst of this uncertainty and took charge of an entirely new government that turned in an increasingly authoritarian, militaristic direction. In 1802 he reestablished slavery in the French colonies, and in 1804 his new Civil Code relegated women to a legally inferior status. Throughout his regime he strictly controlled the press and other publications. The glory of the nation now took precedence over the rights of the individual, although

Bonaparte did guarantee freedom of religion, access to official positions based on merit, and equality before the law.

Human rights philosophy had helped to undermine the traditional monarchy, and it provided the legitimacy of the revolutionary regimes. The Declaration of the Rights of Man and Citizen announced universal principles supposedly applicable to every individual in the nation (if not in the world). The very force of its universalistic logic seemed to support, if not positively provoke, growing demands for inclusion in the political process (at least until 1794). Thus it helped push the Revolution into radical directions, but it did not by itself afford a permanent foundation for rule. There are at least two ways of looking at this predicament: Some argue that the declaration was basically sound but too far ahead of its time, that the principle of human rights gained adherents only slowly over the course of the nineteenth and twentieth centuries and is not even fully subscribed to today; others insist that the declaration and human rights philosophy itself are inherently flawed because they are too universalistic and too abstract, too out of touch with the realities of human motivation, which depend more on self-interest, religious belief, nationality, or other forms of difference distinguishing groups of people.

The collection of documents in this text cannot definitively resolve all these issues, but it can show how the discussion of rights developed during the French Revolution. The debates fall into four major categories: the poor and the propertied; religious minorities; free blacks and slaves; and women. Not surprisingly, these are all in some sense social categories because most debates concerned the social qualifications necessary for citizenship. What is remarkable about this list is its extensiveness; no other eighteenth-century polity, not even the North Americans of the new United States, so explicitly discussed the rights of such a diversity of people. In the United States, for example, the question of women's rights hardly arose in public; there were no women's political clubs in the United States agitating for greater female participation and no public defenders of women's political rights among American legislators. Any discussion of women's rights in the eighteenth-century United States took place outside the halls of the legislature.

The French debates over citizenship and rights reveal a recurring clash between the ideals of human rights philosophy and the reality of eighteenth-century prejudices. Slaves, Jews, and women — to cite the most obvious examples — enjoyed political rights nowhere in the world in the eighteenth century. The mere discussion of their rights in a public forum was a novelty. What we should take from these debates, therefore, is not a sense of the backwardness of eighteenth-century views — what

we would now call racism, anti-Semitism, and sexism were all very much alive and well at the time — but amazement at how many such issues French legislators felt they must publicly discuss, debate, and decide. The same prejudices shaped political life everywhere in the world at the time; what was new was the growing sentiment among French revolutionaries that changes must be made in the status of previously excluded groups.

### The Poor and the Propertied

The decision to impose property qualifications for voting and holding office commanded nearly unanimous assent at first but came under attack not long afterward. The issue arose almost immediately in 1789; discussion of it had already begun during the debates over the declaration and had been prefigured in Sieyès's pamphlet on the Third Estate. The vast majority of the deputies who met in 1789 based their ideas on Locke and eighteenth-century political writers, who thought of citizenship and property holding as necessarily linked. They voted to establish a constitutional distinction between "active" and "passive" citizens, that is, between those who could vote and hold office (political rights) and those who enjoyed equal protection under the law in matters of marriage, property, or religion (civil rights) but could not participate directly in forming a government or exercising governmental authority.

Abbé Sieyès, who had argued forcefully for the elimination of the privileges of the nobility and the clergy, himself first proposed the active-passive distinction in July 1789 (see document 15 in this text). Sieyès and the other deputies saw no inconsistency in their actions; they believed that all posts should be open to people with talent, but that potential officeholders first had to prove their worth by doing well enough to own property (see document 16). Only a few deputies denounced the decision as incompatible with the declaration (see document 17).

It is a measure of the rapid changes taking place in attitudes that this decision, once considered obvious, before long provoked discontent. The second revolution of August 10, 1792, forced the Legislative Assembly to abolish the active-passive distinction and grant the vote to all men except servants and the unemployed. The Constitution of 1793 (passed by the National Convention and ratified by popular referendum but shelved until the end of the war and hence never put into operation) admitted even servants to the full rights of citizenship, but the Constitution of 1795 excluded them once again. Debates over the status of servants, the propertyless, and the poor continued in France and elsewhere in the

Western world throughout the nineteenth century and were not definitely resolved until the twentieth.

### Religious Minorities and Questionable Professions

In December 1789 the deputies began to debate the unresolved status of non-Catholics (see documents 18–22). It quickly emerged that some assumed that the declaration automatically included all Protestants while others did not. In southern France, which had several numerous and wealthy Calvinist communities, the prospect of conceding political rights to Calvinists aroused strong feelings. Catholics in the city of Nîmes, for example, openly opposed granting political rights to Calvinists, in part because rich Calvinist merchants controlled local textile manufacturing. One anonymous pamphlet published there in October 1789 denounced the plots and secret maneuvers of the Calvinists, claiming that “the spirit of Calvinism is a spirit of independence, plunder, intolerance, injustice and inhumanity.” The author insisted that the Catholics of the region “never intended to give their deputies the right to submit them to the despotism of their cruelest enemies.”<sup>16</sup> Economic and political rivalries between the competing religious groups exploded in violent streetfighting in June 1790. Nearly four hundred people died, most of them Catholics.

As soon as the issue of Protestants arose, it sparked debate about the status of Jews, actors, and executioners — what to us now seems an unlikely combination! If religion was no barrier to citizenship in the case of Protestants, how could it be in the case of Jews? And why should one’s profession be a disqualification for citizenship if the profession was legal? The status of Jews proved much more divisive than that of Calvinists, whose civil rights had already been guaranteed by the monarchy in the Edict of Toleration of 1787 (document 3). The early debates about the Jews are fascinating because they reveal the clash between long-standing prejudices and the new abstract principles of the declaration. If diversity of religious adherence was now allowed, how could religious affiliation be grounds for denying political rights?

Unlike the Protestants, the Jews did not seem to be automatically French, because many Jews did not speak French and their social customs differed in many ways from those of the French communities surrounding them. People who favored full citizenship for Jews did so on the grounds that Jews would no longer enjoy any separate status (they had their own corporative organization and paid separate taxes, for

example).<sup>17</sup> As Count Stanislas Marie Adélaïde de Clermont Tonnerre insisted, “We must refuse everything to the Jews as a nation and accord everything to Jews as individuals” (see document 19). The Jews could no longer be a nation within the nation. They had to assimilate to the French nation and give up their separate status and identity if they were to participate as individual citizens like other French people. The deputies who believed that Jews should enjoy all political and civil rights also insisted that French nationality must be exactly the same for everyone; there could be, in essence, no specifically Jewish identity. The Jews, too, must become French. The majority of deputies, however, refused any immediate action; they voted to table the question of Jewish rights and leave it for future consideration.

The question of national identity would emerge later in more purely linguistic form. France included many people who spoke languages other than French; although the elites usually spoke and wrote in French, the lower classes spoke Breton in the far west, Basque in the southwest, German and Yiddish in the eastern provinces, and various dialects in the south (including a version of Italian in Corsica). At the beginning of the Revolution the deputies paid little attention to these linguistic differences, and local governments often ordered translations of important laws and reports. But some worried about the potential for divisiveness. Grégoire, an outspoken proponent of human rights, urged a program of linguistic unification to suppress local languages. In a report to the National Convention, Bertrand Barère insisted: “federalism [an oppositional movement] and superstition speak Breton, emigration and hatred of the Republic speak German; the counterrevolution speaks Italian, and fanaticism speaks Basque. Let us break up these instruments of harm and error.”<sup>18</sup> The government made some attempts to stifle the use of languages other than French in 1794, but it made little headway and soon dropped its plans. Later governments revived projects to unify the population by promoting French, especially on the peripheries of the country.<sup>19</sup>

Actors and executioners fared better than the Jews in the debates of December 1789. They had been excluded from holding local offices before 1789 because they practiced disreputable professions, but now the deputies agreed, despite some feeble opposition, that a man’s profession could not disqualify him from rights that applied inherently to all men. These initial discussions showed that the question of rights could not be easily settled; if rights were universal, then boundaries or limits on their enjoyment required a lot of explanation. Once raised as an issue, moreover, the question of rights always aroused immediate reactions from the groups concerned (see document 21 in this text for the reactions of the

actors themselves). Still, many deputies continued to believe that some groups should be excluded (see documents 20 and 22).

The postponement in December 1789 of any decision on the status of Jews had unforeseen results. The decision not to decide in effect took away rights already granted *de facto* to Jews of Spanish and Portuguese descent living in the south of France, for they, unlike Jews in the east, had already participated in the preliminary assemblies and elections for the Estates General and fully expected to continue participating on an equal footing in the new order. The Jews of the south met and chose a delegation to Paris to plead their case, and on January 28, 1790, the National Assembly declared that Portuguese and Spanish Jews would continue to enjoy their *previous* rights and by that virtue would qualify as active citizens if they met the other requirements.

At the same time, the Jews of Paris and the eastern regions prepared their own case for enjoying full rights of citizenship (see document 23). They knew that the Jews of the south were presenting their requests to the National Assembly and hoped that their situation would be regulated in the same fashion, even though they had not enjoyed the same rights before the Revolution as the Jews of the south. They insisted in no uncertain terms "that all the degrading distinctions that they have suffered to this day be abolished and that they be declared CITIZENS." The deputies turned down their request.

Opposition to Jewish emancipation came from many quarters but had its most obvious sources in the eastern provinces of Alsace and Lorraine, with their thousands of Jews of eastern European heritage. Peasant riots against the Jews broke out in many eastern villages in the summer of 1789; peasants singled out those who had loaned them money. These disturbances continued sporadically in 1790 and 1791 and helped justify legislative inaction. Bishop Anne Louis Henri La Fare of the eastern town of Nancy spoke against Jewish rights in the December 1789 debate in the National Assembly and then published his speech as a pamphlet (see document 24). His arguments were typical: The Jews were a foreign tribe to whom the French owed protection but not political rights. Moreover, he insisted, bestowing rights on the Jews would only inflame sentiment against them.

Nonetheless, the National Assembly finally acted in favor of the Jews on September 27, 1791. When a deputy introduced the decisive yet very simple motion (see document 25), it passed with little discussion. It did include, however, a clause declaring that taking the civic oath "will be regarded as a renunciation of all the privileges and exceptions introduced previously in their [the Jews'] favor." In other words, Jews had to specif-

ically renounce their privileges as a separate group in order to enjoy the rights of an individual, French citizen. French national identity had to take precedence over any other ethnic identification.

The tortured history of political rights for Jews illuminates the subterranean workings of human rights ideology. When Jewish emancipation was first suggested, many, if not most, deputies followed their timeworn prejudices and resisted the idea, arguing that at the least they needed more time and more facts to make an informed decision. Yet as time passed and the principles of human rights gained more adherents, at least among the educated elite, official discrimination against a religious group increasingly seemed incompatible with the Declaration of the Rights of Man and Citizen. This evolution shows that the meaning of "the rights of man" was not fixed at the beginning, even among men. It was instead the subject of intense and ever-changing debate. The direction of movement was clear, however; limitations on rights proved harder and harder to justify.

Yet, as the Revolution turned increasingly radical after 1792, religious minorities and even majorities found themselves confronted by a new form of intolerance, one generated by the new republic's own campaigns to reeducate the population and turn former subjects of the monarchy into new citizens for the republic. In addition to drawing up a new calendar making the foundation of the republic the inauguration of a new era (1792 became year one of the republic, and all the months were given new names taken from nature), the most radical republicans mounted a de-Christianization campaign to attack the prerogatives of the churches. Although the Catholic Church provided their most important target, they also closed synagogues and Protestant churches, burned Protestant and Jewish religious books, exiled recalcitrant rabbis and pastors (they deported and even executed Catholic priests who refused to cooperate), and confiscated religious objects of all sorts for the use of the nation. In the area of religion, too, the Revolution seemed to work simultaneously for and against rights.<sup>20</sup>

### Free Blacks and Slaves

The debates over free blacks and slaves followed an even more zigzag course than those over religion. Most deputies feared the effects of the loss of commerce that would result from either the abolition of slavery or the elimination of the slave trade. Fabulous wealth depended on slavery; shipbuilding, sugar refining, coffee consumption, and a host of subsidiary industries rested on the slave trade, and slaveowners and shippers did



not intend to give up their prospects without a fight. The United States' refusal to give up slavery or the slave trade provided added ammunition for their position. The Society of the Friends of Blacks continued to agitate in favor of either limitation or abolition of the slave trade, but it and its supporters came under intense attack for their views. As a result, early proposals, especially those for the abolition of slavery (as opposed to the slave trade), had an almost apologetic tone (see document 26 in this text).

Events in France had not gone unnoticed in the colonies. When the white planters of Saint Domingue, the wealthiest French colony in the Caribbean, sent delegates to France to demand their representation at the new National Assembly, the mulattoes of the colony promptly dispatched representatives to demand their inclusion too. On the eve of the Revolution, Saint Domingue had 465,000 slaves, 30,000 whites and 27,000 free blacks, a category that included both blacks and mulattoes. Some free blacks owned slaves; in fact, free blacks owned one-third of the plantation property and one-quarter of the slaves in Saint Domingue, although they could not hold public office or practice many professions (such as medicine).<sup>21</sup> Vincent Ogé, a mulatto lawyer and slaveowner, presented the views of the mulatto delegates to the white planters who had come to Paris (see document 27); he hoped to convince them that they shared many interests as property owners in the colonies. White and mulatto planters both wanted representation in France but also wished to maintain control of their slaves. Ogé's appeal failed, for the white planters feared that any concession on the matter of color would open a fatal crack in the slave system.

Several prominent deputies in the National Assembly belonged to the Society of the Friends of Blacks, including Grégoire and Lafayette. Faced with determined opposition to the abolition of either the slave trade or slavery, many deputies favorable to blacks turned instead to arguing that full civil and political rights be granted to free blacks in the colonies. Grégoire spoke in the National Assembly on the subject of mulatto rights in October 1789 and published a pamphlet in their favor (see document 28). Confronted with growing hostility to their position in the National Assembly, especially on the part of those sympathetic to the fears of the planters in the colonies, the Society of the Friends of Blacks retreated from any suggestion that slavery be abolished and instead argued for the abolition of the slave trade (see document 29).

The agitation in favor of granting rights to free blacks and abolishing the slave trade created uncertainty in the colonies and raised expectations, especially among free blacks and mulattoes. In response, white

planters mounted their own counterattack and even began to contemplate demanding independence from France. Less is known about the views of the slaves because most could not read or write, but the royal governor of Saint Domingue expressed his worries about the effects of the Revolution on them. In October 1789 he reported that the slaves considered the new revolutionary cockade (a decoration made up of red, white, and blue ribbons worn by supporters of the Revolution) as a "signal of the manumission of the whites . . . the blacks all share an idea that struck them spontaneously: that the white slaves killed their masters and now free they govern themselves and regain possession of the land."<sup>22</sup> In other words, black slaves hoped to follow in the footsteps of their white predecessors, freeing themselves, killing their masters, and taking the land.

To quiet the unrest among the powerful white planters, especially in Saint Domingue, the colonial committee of the National Assembly proposed in March 1790 to exempt the colonies from the constitution and to prosecute anyone who attempted to prompt uprisings against the slave system (see document 30). But steadily increasing unrest threatened the efforts of the National Assembly to mollify the white planters and keep a lid on racial tensions. The March 1790 decree said nothing about the political rights of free blacks, who continued to press their demands both in Paris and back home, but to no avail. In October 1790, Ogé led a rebellion of 350 mulattoes in Saint Domingue. French army troops cooperated with local planter militias to disperse and arrest them. In February 1791, Ogé and other mulatto leaders were publicly executed. Nevertheless, on May 15, 1791, under renewed pressure from Grégoire and others, the National Assembly granted political rights to all free blacks and mulattoes who were born of free mothers and fathers; although this proviso limited rights to a few hundred free blacks, the white colonists furiously pledged to resist the application of the law. Then, on August 22, 1791, the slaves of Saint Domingue began what was to become over the next several years the first successful slave revolt in history. In response, the National Assembly rescinded the rights of free blacks and mulattoes on September 24, 1791, prompting them once again to take up arms against the whites.

Fighting continued as the new Legislative Assembly (it replaced the National Assembly in October 1791) considered free black rights again at the end of March 1792 (see document 31). On March 28 the assembly voted to reinstate the political rights of free blacks and mulattoes. Nothing was done about slavery. In the fall of 1792, as the Revolution in mainland France began to radicalize, the French government sent two agents to

Saint Domingue to take charge of the suppression of the slave revolt. Faced with the prospect of British and Spanish invasions aimed at taking over the colony with the aid of the rebel slaves, the agents instead abolished slavery in the colony (August–October 1793). Although the National Convention initially denounced their actions as part of a conspiracy to aid Great Britain, it finally voted to abolish slavery in all the French colonies on February 4, 1794 (see document 32). Many mulattoes opposed this move because they owned slaves themselves.

For all the deputies' good intentions, however, the situation remained confused in almost all the colonies: Some local authorities simply disregarded the decree; others converted slavery into forced labor; others were too busy fighting the British and Spanish to decide one way or the other. In 1802, Napoleon Bonaparte reestablished slavery and the slave trade and denied political rights to free blacks. In Saint Domingue, however, the former slaves continued their revolt, and in 1804 they established the independent republic of Haiti.

Radical Parisian circles welcomed the abolition of slavery. On February 18, 1794, the Paris city government organized a festival to celebrate the event. The chief speaker was Pierre Gaspard Chaumette, one of the leaders of the Paris municipality. He invoked once again (see document 33) the horrifying details given in antislavery accounts of the evils of the slave system in the new world. Although Chaumette took the lead in many radical causes, supporting the effort to de-Christianize France, for example, he violently opposed any form of women's political rights (document 40). He could see the link between the Declaration of the Rights of Man and Citizen and the rights of black slaves, but he could not see any connection to the demands of women.

## Women

Some did see the relevance of women's rights, and none was more influential than Condorcet, who had spoken against slavery even before the Revolution (document 7). Condorcet published a newspaper article on women's political rights in July 1790 (see document 34). In it he argued that the twelve million French women should enjoy equal political rights with men. In his view, rights were inherent in personhood; "either no individual in mankind has true rights, or all have the same ones." He refuted many of the traditional arguments against women, insisting that education and social conditions produced most of the differences between men and women. But his pleas fell for the most part on deaf ears. None of the national assemblies ever considered legislation granting

political rights to women (who could neither vote nor hold office), and on the few occasions on which the possibility arose, however tentatively, the deputies greeted it with widespread derision and incredulity.

Still, a small band of supporters of women's rights did take shape. They met in a group called the *Cercle Social* (social circle), which launched a campaign for women's rights in 1790–91. One of their most active members in the area of women's rights was the Dutch woman Etta Palm d'Aelders (see document 35), who denounced the prejudices against women that denied them equal rights in marriage and in education. Like many female activists, she did not explicitly articulate a program for equal political rights for women, although that would no doubt have been her ultimate aim. Instead she worked to bring about a change in morals and customs that would in turn foster a more egalitarian atmosphere for women. In their newspapers and pamphlets, the *Cercle Social*, whose members later became ardent republicans, argued for a liberal divorce law and reforms in inheritance laws as well. Their associated political club set up a female section in March 1791 to work specifically on women's issues, including lobbying for civil equality in the areas of divorce and property.<sup>23</sup>

The *Cercle Social* was not alone in agitating for women's rights. One of the most striking statements of women's rights came from the pen of Marie Gouze, better known by her pen name Olympe de Gouges. An aspiring playwright, Gouges bitterly attacked the slave system and in September 1791 published a Declaration of the Rights of Woman (see document 36) modeled on the Declaration of the Rights of Man and Citizen. She closely followed the structure and language of the Declaration of the Rights of Man and Citizen in order to show how women had been excluded from its promises. Her Article 1, for example, proclaimed that "Woman is born free and remains equal to man in rights." Article 6 insisted that "The law should be the expression of the general will. All citizenesses and citizens should take part . . . in its formation. It must be the same for everyone. All citizenesses and citizens, being equal in its eyes, should be equally admissible to all public dignities, offices and employments." In short, she argued that women should have all the rights that men enjoyed, including the right to hold public office. Although her declaration did not garner widespread support, it did make her notorious. Like many other leading female activists, she suffered persecution at the hands of the government. Etta Palm d'Aelders and most of the others had to endure only arrest, however; Gouges went to the guillotine in 1793. Chaumette denounced her as a "shameless" woman who "abandoned the cares of her house-



hold to involve herself in the republic" (document 40). Public political activism came at a high price.

Although the various legislative assemblies refused to grant women equal political rights, demands for such rights created ripples of discussion in political circles. In February 1791 a major Parisian newspaper responded explicitly to women's demands and to the men, especially Condorcet, who had spoken in their favor (see document 37). In his editorial, Louis Prudhomme developed in embryonic form the argument that would be used against women in official circles thereafter: Women's social role was to stay home, raise the family, instill private virtues, and stay out of public affairs. When the deputies discussed a new republican constitution in April 1793, however, arguments could still be heard in favor of equal political rights for women (see document 38). The official spokesman for the constitutional committee recognized the existence of disagreement on this question and cited in particular the treatise by Pierre Guyomar, a deputy close to the members of the Cercle Social, who defended the political equality of the sexes in the strongest of terms. Guyomar maintained that the "man" in the Declaration of the Rights of Man was generic; it applied to both men and women. He insisted that men should liberate themselves from the prejudice of sex just as they had liberated themselves from the prejudice "against the color of Negroes."

Guyomar failed to convince his fellow deputies, but women persisted in fashioning political roles for themselves. In May 1793 a group of Parisian women founded an exclusively female political club, the Society of Revolutionary Republican Women. They did not explicitly discuss the right to vote or hold office in their meetings, but they did agitate for the establishment of armed military groups of women and for sterner measures against opponents of the Revolution. By this time, France faced not only a war on several fronts abroad but also a civil war at home between the republic and its opponents who had raised armies in western France. Subversion from within seemed at least as dangerous as enemy armies on the frontiers. Women in the provinces founded some sixty clubs of their own; they established charity workshops for the production of blankets and bandages for the war effort, helped orchestrate local festivals, lobbied for local price controls, defended the clergy who supported the Revolution, and repeatedly petitioned the National Convention on political and economic questions.<sup>24</sup>

The activities of the Paris women's club soon gained the unfavorable attention of the National Convention, and after a brief discussion (see document 39) it voted on October 30, 1793, to suppress all women's clubs. According to the spokesman Amar, women "are hardly capable of lofty

conceptions and serious cogitations." Their biology and their social role, as Prudhomme had argued two years earlier, made them unsuited for public affairs. Chaumette reiterated these views several days later when a deputation of women appeared at the Paris city hall wearing red caps as a symbol of liberty (see document 40). Public activity by women, in his view, amounted to nothing less than a renunciation of their sex.

Thus, not long before the National Convention voted to abolish slavery and a full two years after a previous legislature had granted full political rights to Jewish men, the deputies resolutely rejected not only political rights for women but even their right to engage in any form of organized politics. Before concluding too hastily, however, that the French Revolution was simply "bad for women," one should recognize that women played a more active role in the French Revolution than in any other comparable political movement of the eighteenth century. They formed their own clubs and also agitated in print and in mixed-sex clubs for more rights not only in politics but also in inheritance and marriage laws. In the American (1776) and Dutch (1787) revolutions, women sometimes formed clubs but never for explicit political purposes; they devoted themselves exclusively to philanthropic and auxiliary activities. Only in France during the French Revolution did women (or men) make explicit demands for full female political equality. In other words, even though the National Convention clamped down on women's political activities, it did so only after the demands for women's rights had been made. Once made, such demands did not disappear, and the woman question would emerge again in future revolutionary situations, not only in France but elsewhere. The women's rights movement of the nineteenth and twentieth centuries could trace its origins to the French Revolution because the French Revolution, more than any other event of its time, opened up the question of women's rights for consideration.

The "rights of man" was a relatively new political concept in 1789, and the leaders of the French Revolution, like those of the American Revolution before them, were not always comfortable with its implications. However discomfited, French legislators granted more far-reaching rights than any such body ever had before. Like the Americans, the French revolutionaries refused equal political rights to women, but unlike the Americans, they voted to abolish slavery and the slave trade and eventually granted equal rights, at least in principle, to all men regardless of wealth, color, or religion. Americans at that time did not abolish slavery or the slave trade, despite many voices urging abolition, and since voting qualifications remained under the jurisdiction of the states in the new

United States, states could maintain property qualifications and religious tests (and most did) for citizenship.<sup>25</sup> Yet despite these differences, the French and the Americans had one important thing in common: They both officially declared the equality of rights — with whatever real legal impediments — as part of their revolutions. They gave birth to an idea that would make slow but steady progress in Europe and the rest of the world during the nineteenth and twentieth centuries.

The collection of documents in this text focuses on debates about citizenship: who gained full political rights by law and who did not. A full understanding of the rights question would have to take into account a variety of other factors that shaped the actual practice of rights. Included among them would be the different ways of implementing the new legislation; rioting and intimidation aimed against recently emancipated religious minorities (in the south of France against the Protestants and in the east against the Jews); official attempts to limit collective agitation and mobilization by political clubs, whether male or female; efforts to exclude nobles and priests from rights because of their status; and the succession of laws passed to define opponents and eventually even those who felt indifferent or apathetic as “suspects” deserving of police surveillance, arrest, prosecution, and sometimes death. These all had their impact on the enjoyment of legally granted rights.

In activating their human rights philosophy, French legislators faced not only the barriers of resistance and inertia but also the problems created by their own political assumptions. Like their eighteenth-century counterparts in Great Britain and the United States, French legislators looked with suspicion on the growth of party organizations. They assumed that all reasonable men would agree on the principles of government, and as a result they had trouble making sense of political dissent. When did dissent from government policy become treason? Did freedom of speech include the right to publish newspapers attacking the republic itself? All governments face these issues, but in the French case they proved particularly dangerous, because the country was at war nearly continually after 1792 and many Frenchmen emigrated with the intention of joining foreign armies to help overthrow the revolutionary government.

There is a good reason for focusing here on the philosophy and legal enactment of rights rather than on their practical implementation or effects. It was, after all, the idea itself of human rights — the “rights of man,” in eighteenth-century terms — that proved so explosive to the old order and of such enduring influence in the new one. Contemporary political life almost everywhere is now caught up in the language and

practices of rights that had their first articulation in the late seventeenth and eighteenth centuries. Reading through the debates of the French Revolution, we gain a clearer sense not only of how people in the past viewed themselves and their “fellow men,” but also of how we ourselves think about our political world.

## NOTES

<sup>1</sup>The text of the declaration was approved on December 10, 1948 by the General Assembly of the United Nations. *Yearbook on Human Rights for 1948* (Lake Success, N.Y.: United Nations, 1950), 466.

<sup>2</sup>As quoted in Maurice Cranston, “Are There Any Human Rights?” *Daedalus* 112 (Fall 1983): 4.

<sup>3</sup>The best general history of the philosophical development of the modern concepts of human autonomy can be found in the difficult but rewarding book by Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989).

<sup>4</sup>John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1963), 366–67.

<sup>5</sup>For a general account of shifts in opinion, see Geoffrey Adams, *The Huguenots and French Opinion, 1685–1787: The Enlightenment Debate on Toleration* (Waterloo, Ontario, Canada: Wilfrid Laurier University Press, 1991).

<sup>6</sup>Patrick Girard, *La Révolution française et les juifs* (Paris: Robert Laffont, 1989).

<sup>7</sup>Quotes from Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1968), 280, 302–3. Hertzberg tends to read Voltaire (and everyone else he reads) out of context, however, so as to exaggerate his case for the anti-Semitism of Enlightenment thinkers.

<sup>8</sup>Girard, *La Révolution française*, 81.

<sup>9</sup>Hertzberg considers Zalkind Hourwitz, the one Jewish respondent and one of the winners of the Metz essay contest, to be anti-Semitic, at least in his hatred of rabbis. This seems to me to be all too typical of Hertzberg’s anachronistic way of reading out of historical context; he applies a twentieth-century, post-Holocaust standard of judgment to eighteenth-century writers, making little effort to understand what they might have meant in their own time. By this kind of standard just about everyone writing in the eighteenth century was racist, sexist, and/or anti-Semitic, and thus all distinction between positions is lost. Hertzberg, *The French Enlightenment*, 335.

<sup>10</sup>“Sodomie,” in *Oeuvres complètes de Condorcet*, ed. D. J. Garat and P. J. G. Cabanis, 21 vols. (Paris: Ch. Fr. Cramer, 1802), 7:374. Condorcet considered sodomy “a low, disgusting vice,” but he did not believe that it should be punished by the law. Revolutionary legislators left it out of their new criminal code proposed in 1791, but they did not engage in a public discussion of the question, so we have little evidence for their views. I am grateful to Bryant Ragan Jr. for his suggestions on this question.

<sup>11</sup>For a useful account of the differences between the two societies, see James Dybikowski, “Slavery, Revolution and Political Strategy: Lessons from the International Campaign to Abolish the Slave Trade.” I am grateful to the author for sharing his paper with me before publication.

<sup>12</sup>Joan Kelly, “Early Feminist Theory and the Querelle des Femmes, 1480–1789,” *Signs* 8 (1982): 4–28.

<sup>13</sup>A detailed study of a region in the Southwest of France has shown that women

appeared in small numbers at many parish meetings to participate in the election of delegates and the drafting of grievance lists. This probably reflected local customs, which held in some places, for example, that women could participate in parish assemblies if they were heads of family or held property in the district. Women seem to have participated in small numbers all across France, in part because the electoral regulations were vague on many points. They did not meet anywhere as a separate group. René Larivière, "Le Vote des femmes à la Révolution," in *Le Périgord révolutionnaire: Le grand livre sur la Révolution en Périgord* (Périgueux: Société historique et archéologique du Périgord, 1989), 507-37.

<sup>14</sup> See Carl Stephenson and Frederick George Marcham, eds., *Sources of English Constitutional History*, rev. ed., 2 vols. (New York: Harper and Row, 1972).

<sup>15</sup> On the French origins of the idea of a declaration, see Keith Michael Baker, "The Idea of a Declaration of Rights," in *The French Idea of Freedom: The Old Regime and the Declaration of Rights of 1789*, ed. Dale Van Kley (Stanford: Stanford University Press, 1994), 154-96.

<sup>16</sup> *Charles Sincère à Pierre Romain*, Nîmes, Oct. 22, 1789. This was an anonymous pamphlet written as a letter from one Catholic to another in Nîmes.

<sup>17</sup> A useful discussion of these issues can be found in Gary Kates, "Jews into Frenchmen: Nationality and Representation in Revolutionary France," *Social Research* 56 (1989): 213-32. Reprinted in *The French Revolution and the Birth of Modernity*, ed. Ferenc Fehér (Berkeley: University of California Press, 1990), 103-16.

<sup>18</sup> Session of Jan. 27, 1794, *Archives parlementaires* 83:715.

<sup>19</sup> On the language policies of the Revolution, see David A. Bell, "Lingua Populi, Lingua Dei: Language, Religion and the Origins of French Revolutionary Nationalism," *American Historical Review* 100 (1995): 1403-37.

<sup>20</sup> For further discussion of these issues in a balanced treatment, see Shanti Marie Singham, "Betwixt Cattle and Men: Jews, Blacks, and Women, and the Declaration of the Rights of Man," in *The French Idea of Freedom*, ed. Van Kley, 114-53.

<sup>21</sup> The most up-to-date treatment can be found in Carolyn E. Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Knoxville: University of Tennessee Press, 1990).

<sup>22</sup> Archives Nationales, Archives du ministère de la France d'Outre-Mer, Series C9A, Correspondance générale Saint Domingue.

<sup>23</sup> Gary Kates, "'The Powers of Husband and Wife Must Be Equal and Separate': The Cercle Social and the Rights of Women, 1790-91," in *Women and Politics in the Age of the Democratic Revolution*, ed. Harriet B. Applewhite and Darline G. Levy (Ann Arbor: University of Michigan Press, 1990), 163-80.

<sup>24</sup> Suzanne Desan, "'Constitutional Amazons': Jacobin Women's Clubs in the French Revolution," in *Re-creating Authority in Revolutionary France*, ed. Bryant T. Ragan Jr. and Elizabeth A. Williams (New Brunswick, N.J.: Rutgers University Press, 1992), 11-35.

<sup>25</sup> See, for example, Stanley F. Chyet, "The Political Rights of Jews in the United States: 1776-1840," *American Jewish Archives* 10 (Apr. 1958): 14-75.

## PART TWO

# The Documents