Chapter 15

Reordering the World, 1750–1850

Declaration of the Rights of Man (1789)

This foundational document of the French Revolution was adopted by the National Constituent Assembly after King Louis XVI had tried to curtail its activities and a Parisian crowd had stormed the Bastille prison—an important symbol of royal authority. Thus before the consolidation of a written document, French political leaders and popular sentiment had already made major challenges to the king’s authority, which in ancien régime political philosophy was based on divine right. Although the Declaration of the Rights of Man (1789) refers to a divine being, it derives its authority from the inherent nature of man, rather than from revelation or religious theology.

The Declaration is based on Enlightenment ideas of universal natural rights—the idea that some rights are applicable to all people and are not dependent on local laws. The Declaration is evidence of the growing importance of the individual and the centrality of the social contract in eighteenth-century Europe and its colonies.

As a statement of individual and collective rights, the Declaration is the basis for subsequent international human rights law. But like other documents of the eighteenth century, the notion of “universal man” has some limits. For example, it does not address slavery or gender differences, despite significant legal restrictions for both slaves and women in France (and other European countries influenced by the Enlightenment).

Declaration of the Rights of Man and of Citizens, by the National Assembly of France

The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth in a solemn declaration, these natural, imprescriptible, and inalienable rights: that this declaration being constantly present to the minds of the members of the body social, they may be forever kept attentive to their rights and duties; that the acts of the legislative and executive powers of government, being capable of being every moment compared with the end of political institutions, may be more respected; and also, that the future claims of the citizens, being directed by simple and incontestable principles, may always tend to the maintenance of the constitution, and the general happiness.

For these reasons the National Assembly doth recognise and declare, in the presence of the Supreme Being, * * * * the following sacred rights of men and of citizens:

I. Men are born, and always continue, free and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.

II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.

III. The nation is essentially the source of all sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.

IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law should not be hindered; nor should anyone be compelled to that which the law does not require.

VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.

VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished, and every citizen called upon, or apprehended by virtue of the law, ought immediately to obey, and renders himself culpable by resistance.

VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished, but in virtue of a law promulgated before the offense, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensible, all injury to him, more than is necessary to secure his person, ought to be provided against by the law.

X. No man ought to be molested on account of his opinions, nor even on account of his religious opinions, provided his action of them does not disturb the public order established by the law.

XI. The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty, in cases determined by the law.

XII. A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the person to whom it is intrusted.

XIII. A common contribution being necessary for the support of the public force, and for defraying the other expenses of government, it ought to be divided equally among the members of the community, according to their abilities.

XIV. Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.

XV. Every community has a right to demand of all its agents an account of their conduct.

XVI. Every community in which a separation of powers and a security of rights is not provided for, wants a constitution.

XVII. The right to property being inviolable and sacred, no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.

Questions

1. What provisions of the Declaration challenge the divine rights of kings? Which provisions prescribe the rights of individuals?

2. Describe the relationship between an individual and the government as envisioned by the Declaration. Why was this significant in 1789?

3. Although the Declaration makes claims for the natural rights of individuals, it also establishes the need for specific legal constraints. What can explain this contradiction?

Olympe de Gouges, Declaration of the Rights of Women and the Female Citizen (September 1791)

Born to a provincial petit-bourgeois family in France, Marie Gouze (1748–1793) married in a match without love, great fortune, or title. Widowed soon thereafter, she moved to Paris, where she changed her name to Olympe de Gouges and became a playwright and political activist. From as early as 1788 she advocated ameliorating the conditions of slaves in French colonies. An early supporter of the French Revolution, she was nevertheless critical of the decision to execute the king.

The 1791 Constitution proclaimed equal suffrage, but did not extend the vote to women. De Gouges responded with a proposed declaration of
the rights of women. In a postscript to this, playing off the title of the famous pamphlet *The Social Contract* by Jean-Jacques Rousseau (1762), she included a "Form for a Social Contract between Man and Woman." This envisaged marriage as based on gender equality.

De Gouges's *Declaration* echoes concerns with property claims and individual legal recognition typical of Enlightenment debates. Her work also anticipates later feminist arguments, such as the connection between the personal and political. Charged with treason for calling the Revolution into question, de Gouges was guillotined in 1793. While de Gouges called attention to the Revolution's failure to include women among those entitled to full natural rights, the Haitian Revolution (1791–1804) challenged the French Revolution's exclusion of blacks.

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**Postscript**

Women, wake up! The tocsin of reason is being heard throughout the whole universe; discover your rights. The powerful empire of nature is no longer surrounded by prejudice, fanaticism, superstition, and lies. The flame of truth has dispersed all the clouds of folly and usurpation. Enslaved man has multiplied his strength and needs recourse to yours to break his chains. Having become free, he has become unjust to his companion. Oh, women, women! What will you cease to be blind? What advantage have you received from the Revolution? A more pronounced scorn, a more marked disdain. In centuries of corruption you ruled only over the weakness of men. The reclamation of your patrimony, based on the wise decrees of nature—what have you to dread from such a fair undertaking? The *bon mot* of the legislator of the marriage of Cana? Do you fear that our French legislator, correctors of that morality, long ensnared by political practices now out of date, will only say again to you women, what is there in common between you and us? Everything, you will have to answer. If they persist in their weakness in putting

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and in the event of a perfect union, the one who dies will divest himself of half his property in his children's favor, and if one dies childless, the survivor will inherit by right, unless the dying person has disposed of half the common property in favor of one whom he judged deserving.

That is approximately the formula for the marriage act I propose for execution. Upon reading this strange document, I see rising up against me the hypocrites, the prudes, the clergy, and the whole infernal sequence. But it [my proposal] offers to the wist the moral means of achieving the perfection of a happy government.

Moreover, I would like a law which would assist widows and young girls deceived by the false promises of a man to whom they were attached; I would like, I say, this law to force an inconstant man to hold to his obligations or at least [to pay] an indemnity equal to his wealth. Again, I would like this law to be rigorous against women, at least those who have the effrontery to have recourse to a law which they themselves had violated by their misconduct. If proof of that were given. At the same time, as I showed in Le Bonheur primitif de l'homme, in 1788, that prostitutes should be placed in designated quarters. It is not prostitutes who contribute the most to the depravity of morals, it is the women of society. In regenerating the latter, the former are changed. This link of fraternal union will first bring disorder, but in consequence it will produce at the end a perfect harmony.

I offer a foolproof way to elevate the soul of women; it is to join them to all the activities of man; if man persists in finding this way impractical, let him share his fortune with women, not at his caprice, but by the wisdom of laws. Prejudice falls, morals are purified, and nature regains all her rights. Add to this the marriage of priests and the strengthening of the king on his throne, and the French government cannot fail.

Questions

1. What changes in property rights does de Gouges ask for? Why would inheritance and property rights be among the first claims de Gouges made in this document?

2. What other material needs of women does de Gouges identify? How does she connect these to ideas about natural rights?

3. Are de Gouges's assertions of necessary moral change comparable to the changes in political and property rights claimed by the Declaration of the Rights of Man (see previous selection)? Why or why not?

Maximilien Robespierre, Report on the Principles of a Revolutionary Government (1793)

When Maximilien Robespierre (1758–1794) gave this speech on December 25, 1793, the French Revolution had become increasingly radical. The monarchy had been abolished and a republic proclaimed in 1792. The republic had executed the king in 1793; it was at war with many European powers and facing internal rebellions. Feeling threatened by enemies both within and without, and facing a crisis in requisitioning supplies for the army, the National Convention (the republic's legislative body) established the Committee of Public Safety in 1793. Its dominant member was Robespierre. The committee became in effect the executive organ of the revolutionary government. To crush the presumed enemies of the republic, it launched "the Terror" (September 1793–July 1794). Several thousand people, many of them uninvolved in counter-revolutionary activity, were executed, often with only a semblance of a trial. Eventually the excesses of the Terror alienated enough people that Robespierre fell from power and was guillotined.
Citizens, members of the Convention! Success induces the weak to sleep, but fills the strong with even more powers of resistance.

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The defenders of the Republic will be guided by Caesar’s maxim, and believe that nothing has been accomplished so long as anything remains to be accomplished.

To judge by the power and the will of our republican soldiers, it will be easy to defeat the English and the traitors. But we have another task of no less importance, but unfortunately of greater difficulty. This task is the task of frustrating, by an uninterrupted excess of energy, the eternal intrigues of all enemies of freedom within the country, and of paving the way for the victory of the principles on which the general weal depends.

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Let us first demonstrate the principles and the necessity of a revolutionary government, after which we shall describe those factors that aim to paralyze the birth of such a government.

The theory of the revolutionary government is as new as the Revolution itself, from which this government was born. This theory may not be found in the books of the political writers who were unable to predict the Revolution, nor in the law books of the tyrants. The revolutionary government is the cause of the fear of the aristocracy, or the pretext for its calumnies. For the tyrants this government is a scandal, for most people it is a miracle. It must be explained to all, so that at least all good citizens may be rallied around the principles of the general weal.

The goal of a constitutional government is the protection of the Republic; that of a revolutionary government is the establishment of the Republic.

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**Source:** Introduction to Contemporary Civilization in the West, 2nd ed., edited by the Contemporary Civilization Staff of Columbia College, Columbia University (New York: Columbia University Press, 1954), vol. 1, pp. 51-56.

The Revolution is the war waged by liberty against its foes—but the Constitution is the régime of victorious and peaceful freedom.

The Revolutionary Government will need to put forth extraordinary activity, because it is at war. It is subject to no constant laws, since the circumstances under which it prevails are those of a storm, and change with every moment. This government is obliged unceasingly to disclose new sources of energy to oppose the rapidly changing face of danger.

Under constitutional rule, it is sufficient to protect individuals against the encroachments of the state power. Under a revolutionary régime, the state power itself must protect itself against all that attack it.

The revolutionary government owes a national protection to good citizens; to its foes it owes only death.* * *

* Is the revolutionary government, by reason of the greater rapidity of its course and the greater freedom of its movements than are characteristic of an ordinary government, therefore less just and less legitimate? No, it is based on the most sacred of all laws, on the general weal and on the ironclad law of necessity.

This government has nothing in common with anarchy or with disorder; on the contrary, its goal requires the destruction of anarchy and disorder in order to realize a dominion of law. It has nothing in common with autocracy, for it is not inspired by personal passions.

* The measure of its strength is the stubbornness and perfidy of its enemies; the more cruelly it proceeds against its enemies, the closer is its intimacy with the republicans; the greater the severities required from it by circumstances, the more must it recoil from unnecessary violations of private interests, unless the latter are demanded by the public necessity.* * *

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If we were permitted a choice between an excess of patriotism and a base deficiency in public spirit, or even a morass of moderation, our choice should soon be made. A healthy body, tormented by an excess of strength, has better prospects than a corpse.

Let us beware of slaying patriotism in the delusion that we are healing and moderating it.*
By virtue of five years of treason, by virtue of feeble precautions, and by virtue of our gullibility, Austria, England, Russia and Italy have had time to set up, as it were, a secret government in France, a government that competes with the French government. They have their secret committees, their treasures, their agents, they absorb men from us and appropriate them to themselves, they have the unity that we lack, they have the policy that we have often neglected, they have the consistency which we have so often failed to show.

Foreign courts have for some time been sowing out on French soil their well-paid criminals. Their agents still infect our armies. * * * All the bravery of our soldiers, all the devotion of our generals, and all the heroism of the members of this Assembly had to be put forth to defeat treason. These gentlemen still speak in our administrative bodies, in the various sections; they secure admission to the clubs; they sometimes may be found sitting among us; they lead the counter-revolution; they lurk about us, they eavesdrop on our secrets; they flatter our passions and seek even to influence our opinions and to turn our own decisions against us. When you are weak, they praise our caution. When you are cautious, they accuse us of weakness. Your courage they designate as audacity, your justice as cruelty. If we spare them, they will conspire publicly; if we threaten them, they will conspire secretly or under the mask of patriotism. Yesterday they murdered the defenders of liberty; to-day they mingle in the procession of mourners and weep for their own victims. Blood has flowed all over the country on their account, but we need this blood in the struggle against the tyrants of Europe. The foreigners have set themselves up as the arbitrators of public peace; they have sought to do their work with money; at their behest, the people found bread; when they will it otherwise, the bread was not available; they succeeded in inaugurating gatherings in front of the bakers' shops and in securing the leadership of bands of famished men. We are surrounded by their hired assassins and their spies. We know this, we witness it ourselves, and yet they live! The pernicious emissaries who address us, who flatter us—these are the brothers, the accomplices, the bodyguard of those who destroy our crops, who threaten our cities, massacre our brothers, cut down our prisoners. They are always looking for a leader, even among us. Their chief interest is to incite us to enmity among ourselves. * * * We shall continue to make war, war against England, against the Austrians, against all their allies. Our only possible answer to their pamphlets and lies is to destroy them. And we shall know how to hate the enemies of our country.

It is not in the hearts of the poor and the patriots that the fear of terror must dwell, but there in the midst of the camp of the foreign brigands, who would bargain for our skin, who would drink the blood of the French people.

The Committee of Public Safety has recognized that the law does not punish the great criminals with the necessary swiftness. Foreigners, well-known agents of the allied kings, generals besmirched with the blood of Frenchmen * * * have long been in custody and are yet not executed.

The conspirators are very numerous. It is far less necessary to punish a hundred unknown, obscure wretches, than to seize and put to death a single leader of the conspirators.

* * * We propose to you that the Committee of Public Safety be entrusted with the task of introducing a number of innovations in this connection, with the purpose of strengthening and accelerating the hand of justice in its procedure against intrigues. You have already commissioned the Committee, in a decree, to this effect. We propose that you create the means by which its judgments may be accelerated against foreigners and against generals conspiring with the tyrants.

Questions

1. How does a revolutionary government differ from a constitutional government?

2. What does Robespierre view as the most serious dangers to the French republic?

3. How do Robespierre's views compare with those expressed in the Declaration of the Rights of Man (see Declaration of the Rights of Man, in this chapter)?