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The Declaration of the Rights of Man and of the Citizen, August 1789: A Revolutionary Document

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The representatives of the French people, constituted as a National Assembly, and considering that ignorance, neglect or contempt of the rights of man are the sole causes of public misfortunes and governmental corruption, have resolved to set forth in a solemn declaration the natural, inalienable and sacred rights of man: so that by being constantly present to all the members of the social body this declaration may always remind them of their rights and duties; so that by being liable at every moment to comparison with the aim of any and all political institutions the acts of the legislative and executive powers maybe the more fully respected; and so that by being founded henceforward on simple and incontestable principles the demands of the citizens may always tend toward maintaining the constitution and the general welfare. In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and the citizen:

- 1. Men are born and remain free and equal in rights. Social distinctions may be based only on common utility.*
- 2. The purpose of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.*
- 3. The principle of all sovereignty rests essentially in the nation. No body and no individual may exercise authority which does not emanate expressly from the nation.¹*

The Declaration of the Rights of Man and of the Citizen of 1789 set the modern human rights movement into motion. When the deputies of the National

Assembly asserted in the first article that ‘men are born and remain free and equal in rights’, they effectively endorsed the principle of equal rights expressed in the American Declaration of Independence of 1776. Yet unlike the American Declaration, which had no constitutional status, the French Declaration was drafted as the preamble to the first written constitution in French history. It set out the ‘simple and incontestable principles’ that should guide citizens in establishing any and all political associations. By insisting that the rights of man were universally applicable, rather than derived from a nation’s history or customs, the 1789 Declaration ignited an enduring controversy that touched people around the world.

The immediate response of critics inside and outside of France clarified the stakes involved.² Detractors derided the Declaration as too abstractly philosophical and hostile to historic traditions. It would be dangerously destabilizing to societies long accustomed to aristocracy and monarchy, and most European societies were dominated by landed nobles and ruled by monarchs who inherited their thrones. If ‘social distinctions may be based only on common utility’, as the first article insisted, then status based on birth into a particular family, defining of both nobility and monarchy, would inevitably be called into question. In June 1790 the revolutionaries decreed an end to noble titles (noble tax exemptions had been eliminated even before the drafting of the Declaration), and in September 1792 newly elected deputies abolished the monarchy and established a republic. Although no one foresaw the end of nobility and monarchy in August 1789, traditionalists already sensed the threats posed by the principles of the Declaration.

French kings claimed authority based on continuation of the dynasty; maintenance of the Catholic religion; defence of traditional privileges, whether of aristocrats, the Catholic Church, particular status groups, regions or towns; and the dispensing of justice for all. In short, kings derived their legitimacy from the safeguarding of tradition, not from ‘the preservation of the natural and imprescriptible rights of man’ (art. 2), which by definition stood outside any given law codes or judicial institutions. Defenders of tradition considered past customs, institutions and laws the best foundation for government. For them sovereignty was inseparable from the dynastic ruler; it made no sense without a monarch. In its first four editions, the influential *Dictionary of the French Academy* defined ‘sovereignty’ as ‘the quality and authority of the sovereign prince’. Only in its fifth edition of 1798 did the definition change to the more generic ‘supreme authority’.³ The Declaration thus effectively took sovereignty away from the king when it asserted that it emanated from the nation (art. 3).

It announced a fundamental upheaval on the basis of French government even while insisting that its principles applied to all governments everywhere. Other monarchs could not fail to take note.

As if to drive home its point that ‘the principle of all sovereignty rests essentially in the nation’, the Declaration made no mention of the French king, the Catholic Church or any other traditional French institutions. It offered general principles based on reason and did not refer to French history or Christian teachings. The rights of man derived from human nature itself. The deputies affirmed that they were making their Declaration ‘in the presence and under the auspices of the Supreme Being’, but they did not trace the rights of man back to the Christian God or to the Bible. The Supreme Being did not grant rights, in this view; it only oversaw the recognition and declaration of them.

Scholars have long argued about the sources of the universal claims made in the French Declaration.⁴ Were the French deputies simply following the example of the American Declaration of Independence or making new kinds of claims based on the philosophy of the Enlightenment, in particular the ideas of the Genevan writer Jean-Jacques Rousseau? Although the American Declaration was immediately translated into French, by 1789 the French deputies were more concerned with the various state constitutions and especially the bill of rights attached to Virginia’s new constitution.⁵ The Americans had shown that natural rights could be used to justify revolutionary change, but they stopped short of basing their new government on the guarantee of rights; the United States Constitution drawn up in 1787 included virtually no mention of rights, and the United States did not ratify its own federal bill of rights until 1791.

In contrast, the French deputies took the notion of natural rights that had gained currency during the eighteenth century, called them the rights of man to signal their political potency and declared them the basis of any legitimate government. Where the American Declaration of Independence offered lists of specific grievances against the British King George III, the French Declaration focused exclusively on abstract claims about government in general. These universal claims had their source in Enlightenment philosophy. Rousseau’s *Social Contract* (1762) provided a model of this kind of abstraction but not an explicit defence of rights or specific guidelines for the French constitution. The deputies combined natural rights, the American idea of declaring and Enlightenment philosophy’s emphasis on universal values based on reason with their own distinctive understanding of the political meaning of the ‘rights of man’.

Defenders of these universal claims of the Declaration responded to critics with tracts in many languages that brought the controversy to an ever-expanding

audience.⁶ For supporters the universalism of the Declaration's assertions constituted their main appeal; the rights of man could be and were used to attack the privileges of aristocracy, the legitimacy of monarchy, the suppression of women, the enslavement of Africans and the colonization of peoples outside Europe. For this reason, the ideals of the 1789 Declaration resonated right into the twentieth century. In 1948, when the United Nations drew up its Universal Declaration of Human Rights, its first article deliberately echoed the French Declaration of 1789 by proclaiming, 'All human beings are born free and equal in dignity and rights.'⁷

The change of wording in the United Nations Declaration from man to human draws attention to one of many paradoxes to be found in the 1789 Declaration. 'Man' in 'rights of man' referred simultaneously to all humans and only to citizens – that is, to those who had the right to participate in politics. How could these universal and particular national claims be reconciled? Did the rights of man apply to women, to non-Catholics, to men who owned no property, all of whom had been traditionally excluded from participation in French governance? The self-evidence of the rights of man produced further paradoxes. If rights were so self-evident that only 'ignorance, neglect, or contempt' of them could produce 'public misfortunes', then why did the effort to draft a declaration cause so much disagreement? Finally, if the rights of man were indisputable, why were they not recognized as such before the end of the eighteenth century?

No ready answers to these questions will be found in the debates of the National Assembly about the Declaration. The deputies formed a constitutional committee on 6 July 1789, and it announced three days later that it would draft a declaration of rights as its first task. In the midst of rapidly unfolding events, the deputies argued about whether such a declaration was needed, whether it should be attached to a constitution and whether it should be accompanied by a declaration of duties (it was not). Over six days of heated debate in late August, the deputies managed to agree on 17 articles among 24 proposed by a subcommittee and then simply voted to table further discussion. Too many other urgent matters required their consideration.

The constitution to which the Declaration was attached was only ratified in 1791 and replaced two years later, yet the 1789 Declaration influenced opinion for generations. Even in English-language publications, 'rights of man' appeared much more frequently than 'human rights' until the 1940s.⁸ At an anti-slavery society meeting in Boston in 1836, for example, speakers denounced slavery as a sin and 'a violation of the rights of man.'⁹ When Ho Chi Minh declared

the independence of the Democratic Republic of Vietnam in 1945, he cited the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen in support of Vietnamese resistance to French colonial rule.¹⁰ For him, and for many others, the idea that 'men are born and remain free and equal in rights' had lost none of its relevance.

The paradoxes of the 1789 Declaration actually contributed to its continuing influence. The rights of man may not have been self-evident to everyone in 1789, yet the act of declaring them, however muddled or inconclusive, gave them a kind of credibility they had not possessed previously. The term 'rights of man' became increasingly common in French from the 1760s onwards, but only among the educated elite, and even there it failed to arouse anything resembling unanimity, as the debates over the Declaration demonstrated. Yet once such rights were declared, the terms of discussion changed abruptly, even among those who thought the very idea of rights of man too 'metaphysical' because unrelated to actual laws. Now critics had to combat the extension of those rights rather than simply opposing the very idea of declaring them.

Because the Declaration referred both to 'man' and 'citizen', it created an inevitable but nonetheless productive tension between universal rights and their particular political expression. In principle the rights of man were universal (applicable to everyone in the world), natural (inherent in humans rather than in particular classes, races, religions or sexes) and equal (the same for everyone). In practice, however, the rights of citizens had to be defined by particular national and local laws determining the right to vote and hold office and regulating newly declared freedoms such as the right of expression or the practice of religion.

The potential conflict between universal claims and practical implementation became apparent almost as soon as the Declaration had been voted. Article 10 had guaranteed, 'No one should be disturbed for his opinions, even in religion, provided that their manifestation does not trouble the public order as established by law.' Conservatives hoped that this wording would permit the continued exclusion of non-Catholics from political participation. The practice of Calvinism had been illegal in France since 1685 and only in 1787 was a measure of religious toleration restored. When pressed by deputies explicitly citing the Declaration, however, the National Assembly granted equal political rights to Protestants in December 1789. Jews then petitioned for their political rights and after acrimonious debate they gained equal political rights in September 1791.

The granting of equal political rights to Jews, almost unimaginable before 1789, shows the immense moral force of the act of declaring rights. As the noble deputy Stanislas, Count of Clermont Tonnerre argued in December 1789, 'There is no middle way possible: either you admit a national religion ... or you permit everyone to have his own religious opinion, and do not exclude from public office those who make use of this permission' (87). When opponents succeeded nonetheless in tabling the question of Jewish political rights, various Jewish communities submitted petitions invoking the Declaration in their favour. Rights were extended first to the Jews of southern France and then to all Jews in France. In contrast, many states in the new United States restricted the right to hold office and sometimes even voting to Protestants. Jews gained the right to sit in the British parliament only in 1858. Austria-Hungary granted political rights to Jews in 1867, Portugal followed in 1911 and Russia in 1917.

The dynamic did not stop with the question of religious minorities. In late October 1789 the deputies decided to limit the right to vote to men who were at least twenty-five years old; had lived for a year in their area; were not servants, accused of a crime or bankrupt; and who had paid taxes equal to three days of work. To hold office, a man had to pay taxes worth ten days work (a sum determined by local governments). In this way the deputies created a distinction between active and passive citizens. Only a few dissented, since the practice of limiting political participation to property owners was common everywhere in the eighteenth century. Yet some did protest and, after another upheaval in August 1792 toppled the monarchy, the new republican government removed the property requirement. Free blacks in the colonies demanded political rights, too, and so did advocates for women's rights. Free blacks eventually gained equal political rights, and slavery was officially abolished in 1794, but women did not obtain political rights until 1944.

The guarantee of freedom of opinion created a similar tension with the exigencies of the nation's survival, especially in a time of revolution, counter-revolution and war. Article 11 reads, 'The free communication of thoughts and opinions is one of the most precious of the rights of man. Every citizen may therefore speak, write, and print freely, if he accepts his own responsibility for any abuse of this liberty in the cases set by the law.' The universal principle of freedom of opinion therefore hinged on the particular limits set by the law. In 1792, after France went to war against Austria, pressures mounted for censorship of newspapers that were deemed counter-revolutionary and, after the proclamation of a republic, of publications considered pro-royalist. In times of war, virtually

every state, however democratic in principle, reserves the right to censor publications that might undermine the nation's security.

As these developments show, the contentious debates provoked by the tension between universal claims and particular laws could only be temporarily resolved by legislative decisions. The particular laws would invariably be compared to the universal principles, as the Declaration insisted they should be, and since those particular laws reflected current customs and practices, they would often fall short of the universal principles and thus create demands for future changes in the laws. The question of who could vote and hold office, for example, drove political conflicts throughout the nineteenth and twentieth centuries. At the same time, individual rights and the needs of the nation might also come into conflict and could never be resolved once and for all.

While the steady drumbeat of demands for equal rights shows the power of universal claims, the inability of women to gain them demonstrates the tenacity of cultural habits and customs. The deputies came to see the logic of recognizing the equal rights of religious minorities, non-whites and men without property, but this logic did not extend to women, despite the efforts of a hardly few to explain why it must. Women were citizens in that they lived in a nation governed by laws that pertained to them, but in the view of the vast majority of people in the eighteenth century, women could only be passive citizens. Women supposedly lacked the moral autonomy necessary to participate fully in political life. When newly elected deputies drafted a republican constitution in spring 1793, a spokesman for the constitutional committee explained the common view: 'It is true that the physique of women, their goal in life [as wives and mothers], and their position [as dependent on their fathers or husbands] distance them from the exercise of a great number of political rights and duties.' But he also admitted the force of the arguments for women's rights: 'Perhaps our current customs and the vices of our education make this distancing still necessary at least for a few years' (133). The few years turned into 150 years, demonstrating the power of those 'current customs'.

The Declaration of the Rights of Man and of the Citizen is like a mirror we hold up to ourselves. It lays out universal principles that continue to inspire us and reflects ambiguities and contradictions that still haunt even the most democratic governments, those that supposedly hold to the conviction that all sovereignty lies in the nation and that all people possess equal rights. Just what those rights mean in practice remains as pressing a topic of discussion as it was in 1789.

Further Reading

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