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 modern 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 their 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.

SOURCE: Thomas Paine, *Rights of Man*, edited by Hypatia Bradlaugh Bonner (London: Watts and Co., 1906), pp. 53–55.

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 offence, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour 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, not even on account of his *religious* opinions, provided his avowal 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 persons 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