Déclaration des Droits de l'Homme et du Citoyen

PÉRAMEBLE

Les hommes naissent et demeurent libres, en égaux par la nature, et sont ainsi destinés à des droits indisponibles ; qu'ils soient égaux devant la loi. Les garanties de ces droits ne peuvent être que des lois publiques ; elles sont aussi garantis par les conséquences des lois. Les garanties des droits de l'Homme ne sont pas des droits qui existent pour eux-mêmes, mais qui sont la base de la liberté des citoyens. Les garanties des droits de l'Homme sont les garanties de la liberté de l'Homme.

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The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all.

Therefore the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

WHERE do rights come from?

WHY are they being declared?
1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.

2. The aim 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 resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.

5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do anything not provided for by law.

6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities and without distinction except for their virtues and talents.
7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.

8. The law shall provide for such punishments only as are strictly and obviously necessary, and no one shall suffer punishment except it be legally inflicted in virtue of a law passed and promulgated before the commission of the offense.

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.
10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

11. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.

12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be entrusted.
13. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

14. All the citizens have a right to decide, either personally or by their representatives, as to the necessity of the public contribution; to grant this freely; to know to what uses it is put; and to fix the proportion, the mode of assessment, the mode of collection, and the duration of the taxes.

15. Society has the right to require of every public agent an account of his administration.

16. A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.

17. Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.
Jews in France, 1350-1789

1395  Jews banned from France (as in 1182 and 1306)

1492  Jews banned from Spain; a small merchant community re-locates to Bordeaux

1675  Alsace, with its comparatively large Jewish population, becomes part of France; Louis XIV grants them special status

1785  Jews allowed to settle anywhere in France

1787  Academy of Metz sets annual essay question on the improvement of the Jews

1789  total Jewish population, perhaps 40,000

Rights and Religious Minorities
I observe first of all that the word Jew is not the name of a sect, but of a nation that has laws which it has always followed and still wishes to follow. To call Jews citizens would be like saying that without letters of naturalization and without ceasing to be English and Danish, the English and Danish could become French. . . .

The Jews have passed through seventeen centuries without involving themselves with other nations. They have never undertaken anything other than commerce based on money; they have been the scourge of agricultural provinces; not one of them has yet known how to ennable his hands by driving a plow. The law that they follow leaves them no time to engage in agriculture; in addition to the sabbath they have fifty-six more holidays each year than the Christians. . . . In Alsace they hold 12 million in mortgages on the land. In a month, they would become owners of half the province. . . . People feel for the Jews a hatred that cannot fail to explode as a result of this aggrandizement. For their own safety, we should not consider this matter further. . . .

They should not be persecuted. . . . Let them be protected as individuals but not as Frenchmen, for they cannot be citizens.

dé Maury [King’s preacher, member of the French Academy; elected by First Estate of Péronne], Dec. 23, 1789.

Rights and Religious Minorities
Every creed has only one test to pass in regard to the social body: it has only one examination to which it must submit, that of its morals. It is here that the adversaries of the Jewish people attack me. This people, they say, is not sociable. They are commanded to lend at usurious rates; they cannot be joined with us either in marriage or by the bonds of social interchange; our food is forbidden to them; …

They say to me, the Jews have their own judges and laws. I respond that it is your fault and you should not allow it. We must refuse everything to the Jews as a nation and accord everything to Jews as individuals. We must withdraw recognition from their judges; they should only have our judges. We must refuse legal protection to the maintenance of the so-called laws of their Judaic organization; they should not be allowed to form either a political body or an order within the state. They must be citizens individually. But, some will say to me, they do not want to be citizens. Well then! If they do not want to be citizens, they should say so, and then, we should banish them. It is repugnant to have in the state an association of non-citizens, and a nation within the nation. . . .

Count Stanislas–Marie–Adélaide de Clermont–Tonnerre [cavalry colonel], “Speech on Questionable Professions and Religious Minorities,” 23 December 1789.
Edmund Burke, 1729-1797

wax medallion of Burke, 1791

engraving with color printing, 1798

images from National Portrait Gallery (London)
“But I cannot stand forward and give praise or blame to anything which relates
to human actions, and human concerns, on a simple view of the object,
as it stands stripped of every relation, in all the nakedness and solitude
of metaphysical abstraction. Circumstances (which with some gentlemen pass
for nothing) give in reality to every political principle its distinguishing color
and discriminating effect. … Is it because liberty in the abstract may be classed
amongst the blessings of mankind, that I am seriously to felicitate a madman,
who has escaped from the protecting restraint and wholesome darkness of
his cell, on his restoration to the enjoyment of light and liberty?”

Burke, Reflections on the Revolution in France
But the age of chivalry is gone. That of sophisters, economists, and calculators has succeeded; and the glory of Europe is extinguished forever. Never, never more shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart which kept alive, even in servitude itself, the spirit of an exalted freedom. … It is this which has given its character to modern Europe. It is this which has distinguished it under all its forms of government, and distinguished it to its advantage, from the states of Asia and possibly from those states which flourished in the most brilliant periods of the antique world. It was this which, without confounding ranks, had produced a noble equality and handed it down through all the gradations of social life.

Burke, *Reflections on the Revolution in France*
You see, Sir, that in this enlightened age I am bold enough to confess that we are generally men of untaught feelings, that, instead of casting away all our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason, because we suspect that this stock in each man is small…

Prejudice is of ready application in the emergency; it previously engages the mind in a steady course of wisdom and virtue and does not leave the man hesitating in the moment of decision skeptical, puzzled, and unresolved. Prejudice renders a man's virtue his habit, and not a series of unconnected acts. Through just prejudice, his duty becomes a part of his nature.

But now all is to be changed. All the pleasing illusions which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason.

Burke, Reflections on the Revolution in France
James Gillray, “The Rights of Man, or Tommy Paine, the little American tailor, measures the crown for a new pair of Revolution breeches” (May 1791); hand colored etching

William Sharp (after George Romney), “Thomas Paine” (April 1793); engraving

images from National Portrait Gallery (London)
John Thelwall, 1764-1834

Henry James Richter, “John Thelwall,” engraving (1794)
James Gillray,
“Copenhagen House: I tell you citizens, we mean now to dress the constitution, and turn it, and put a new nap on it”
NEXT WEEK’S READINGS:

Fear, rumor, and outbreak of war

The King’s trial

living with “terror”

revolutionary & Napoleonic wars
Timeline of events

summer 1789 Declaration of Rights of Man
June 1791 royal family runs away
April 1792 France declares war on emigrés (and countries sheltering them)
July 1792 Brunswick Manifesto
August 1792 crowds storm palace; king deposed
early Sept. September Massacres (see Guittard’s description)
late Sept. Republic declared
Jan. 1793 Louis XVI executed; Britain declares war on France
1795 Bonaparte named to command Army of Italy
1799 military coup (18th of Brumaire); Republic replaced with Consulate