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THE BEDFORD SERIES IN HISTORY AND CULTURE

The French Revolution and Human Rights

A Brief Documentary History

Edited, Translated, and with an Introduction by

Lynn Hunt

University of Pennsylvania

prepared to receive liberty in all its vigor: for their tastes, their customs, their position called them to democracy.

But we, Sirs, we have for fellow citizens an immense multitude of men without property who expect above all their subsistence from an assured labor, right regulation, and continual protection; they become angry sometimes, not without just cause, at the spectacle of luxury and opulence.

It should not be believed that I conclude from this that this class of citizens does not have an equal right to liberty. Far be it from me such a thought. Liberty should be like the morning star which shines for everyone. But I believe, Sirs, that it is necessary in a large empire for men placed by circumstances in a dependent condition to see the just limits on as much as the extension of natural liberty. . . .

Since the rights of man in society should be developed and guaranteed by [a good constitution], their declaration should be the introduction to it; but this legislative declaration is necessarily remote from the metaphysical statement and abstract definitions that have been proposed. . . . Why begin therefore by transporting man to a high mountain and showing him his empire without limits, when on climbing down he must find limits at each step?

Will you tell him that he has the free disposition of his person before he has been forever dispensed from having to serve against his will in the army or the navy? That he has the free disposition of his goods before the customs and local laws that dispose of it against his will are abrogated? Will you tell him that in poverty he has the right to assistance from everyone, while he invokes perhaps in vain the pity of passers-by, while to the shame of our laws and customs no legislative precaution attaches the unfortunate to society even as misery separates them from it? It is therefore indispensable to compare the declaration of rights and to make it concordant with the necessary and obligated state in which the man for whom it was written finds himself. . . .

In [our present] circumstances, an express declaration of the general and absolute principles of natural liberty and equality can shatter necessary bonds. Only the constitution can save us from a general break up. I propose, therefore, to accelerate its drafting by taking instruction from the work of the committee [on the constitution] and by postponing for future consideration the drawing up of a declaration of rights.

THE DECLARATION

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"Declaration of the Rights of Man and Citizen"

August 26, 1789

Once they had agreed on the necessity of drafting a declaration of rights, the deputies of the National Assembly still faced the daunting task of composing one that a majority could accept. The debate raised several questions: Should the declaration be short and limited to general principles, or should it include a long explanation of the significance of each article? Should the declaration include a list of duties or only rights? And what precisely were "the natural, inalienable, and sacred rights of man"? After several days of debate and voting, the deputies decided to suspend their deliberations on the declaration, having agreed on seventeen articles. These laid out a new vision of government, in which protection of natural rights replaced the will of the king as the justification for authority. Many of the reforms favored by Enlightenment writers appeared in the declaration: freedom of religion, freedom of the press, no taxation without representation, elimination of excessive punishments, and various safeguards against arbitrary administration.

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 may be 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.

4. Liberty consists in the ability to do whatever does not harm another; hence the exercise of the natural rights of each man has no other limits than those which assure to other members of society the enjoyment of the same rights. These limits can only be determined by the law.

5. The law only has the right to prohibit those actions which are injurious to society. No hindrance should be put in the way of anything not prohibited by the law, nor may any one be forced to do what the law does not require.

6. The law is the expression of the general will. All citizens have the right to take part, in person or by their representatives, in its formation. It must be the same for everyone whether it protects or penalizes. All citizens being equal in its eyes are equally admissible to all public dignities, offices, and employments, according to their ability, and with no other distinction than that of their virtues and talents.

7. No man may be indicted, arrested, or detained except in cases determined by the law and according to the forms which it has prescribed. Those who seek, expedite, execute, or cause to be executed arbitrary orders should be punished; but citizens summoned or seized by virtue of the law should obey instantly, and not render themselves guilty by resistance.

8. Only strictly and obviously necessary punishments may be established by the law, and no one may be punished except by virtue of a law established and promulgated before the time of the offense, and legally applied.

9. Every man being presumed innocent until judged guilty, if it is deemed indispensable to arrest him, all rigor unnecessary to securing his person should be severely repressed by the law.

10. No one should be disturbed for his opinions, even in religion, provided that their manifestation does not trouble public order as established by law.

11. 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.

12. The safeguard of the rights of man and the citizen requires public powers. These powers are therefore instituted for the advantage of all, and not for the private benefit of those to whom they are entrusted.

13. For maintenance of public authority and for expenses of administration, common taxation is indispensable. It should be apportioned equally among all the citizens according to their capacity to pay.

14. All citizens have the right, by themselves or through their representatives, to have demonstrated to them the necessity of public taxes, to consent to them freely, to follow the use made of the proceeds, and to determine the means of apportionment, assessment, and collection, and the duration of them.

15. Society has the right to hold accountable every public agent of the administration.

16. Any society in which the guarantee of rights is not assured or the separation of powers not settled has no constitution.

17. Property being an inviolable and sacred right, no one may be deprived of it except when public necessity, certified by law, obviously requires it, and on the condition of a just compensation in advance.

If I needed to prove here that slavery is as opposed to civil law as it is to natural law, it would be very easy to demonstrate that the civil status of a man is only defined by the law and that not being at all in society a slave cannot be affected by any legal rule. But a people needs no proof when it puts at the head of all its decisions, as at the head of its legislation, the declaration of the rights of man. . . .

Without speaking here of the danger and folly of slavery in democratic states, I could cite the history of all the peoples who have had slaves and depict the torments of the government whether it tries to keep them in a yoke that often quakes with their struggles and tries to diminish (Oh, what a crime!) their too great population; or whether it tries to restrain the cruelty of the masters. I would cite the laws that rapidly succeed one another, the regulations that follow upon regulations. . . .

If we land in one of the *Antilles* [Caribbean colonies] what will we see? The Portuguese enervated by indolence, whose appearance reminds us of the bloody origin of slavery in these regions. In our mind's eye we will see the butchers' vises where they put the pieces of the remains of Mexicans to serve as fodder for the conquerors' dogs, and it will make us quiver with horror.¹ If we land in *Guadeloupe* [another French Caribbean colony] or in *Saint Domingue*, we will see a long series of slaves stooping from one day to the next over a burning soil, and under the whip of an inhuman flogger they silently invoke "either freedom or death." Some of them, returning to the shade, talk among themselves (always very quietly) about the shores where they were born, sighing toward the heavens, and calling in vain for a liberator. . . .

We have seen how [slavery] like a vast cancer covers the entire globe with its venomous ramifications, poisoning now one now another hemisphere, leaving a totally ravaged region only to bring desolation to another, then returning to the first after its repopulation. We have seen it spreading the shrouds of death through the classical world [of Greece and Rome] and the modern one, but today the alarm of eternal justice has sounded, the sacramental words have been pronounced by the organ of a powerful and good people: *slavery is abolished*.

¹Here, as in much of his speech, Chaumette invokes the descriptions of the horrors of conquest and slavery made famous by Raynal (document 6 in this text). The conquerors in this sentence are the Spanish who conquered Mexico in the sixteenth century.

WOMEN

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CONDORCET

"On the Admission of Women to the Rights of Citizenship"

July 1790

Condorcet took the question of political rights to all of its logical conclusions. He argued that if rights were indeed universal, as the doctrine of natural rights and the Declaration of the Rights of Man and Citizen both seemed to imply, then they must apply to all adults. Condorcet consequently argued in favor of granting political rights to Protestants and Jews and advocated the abolition of the slave trade and slavery itself. He went further than any other leading revolutionary spokesman, however, when he insisted that women, too, should gain political rights. His newspaper article to that effect caused a sensation and stimulated those of like mind to publish articles of their own. But the campaign was relatively short-lived and ultimately unsuccessful; the prejudice against granting political rights to women would prove the most difficult to uproot.

Habit can familiarize men with the violation of their natural rights to the point that among those who have lost them no one dreams of reclaiming them or believes that he has suffered an injustice.

Some of these violations even escaped the philosophers and legislators when with the greatest zeal they turned their attention to establishing the common rights of the individuals of the human race and to making those rights the sole foundation of political institutions. For example, have they not all violated the principle of equality of rights by quietly depriving half of mankind of the right to participate in the formation of the laws, by excluding women from the rights of citizenship? Is there a stronger proof of the power of habit even among enlightened men than seeing the

Source: "Sur l'Admission des femmes au droit de cité," *Journal de la Société de 1789*, no. 5 (July 3, 1790): 1-4, 6-9, 11-12.

principle of equality of rights invoked in favor of three or four hundred men deprived of their rights by an absurd prejudice [perhaps he is thinking of actors here] and at the same time forgetting those rights when it comes to twelve million women?

For this exclusion not to be an act of tyranny one would have to prove that the natural rights of women are not absolutely the same as those of men or show that they are not capable of exercising them. Now the rights of men follow only from the fact that they are feeling beings, capable of acquiring moral ideas and of reasoning about these ideas. Since women have the same qualities, they necessarily have equal rights. Either no individual in mankind has true rights, or all have the same ones; and whoever votes against the right of another, whatever be his religion, his color, or his sex, has from that moment abjured his own rights.

It would be difficult to prove that women are incapable of exercising the rights of citizenship. Why should beings exposed to pregnancies and to passing indispositions not be able to exercise rights that no one ever imagined taking away from people who have gout every winter or who easily catch colds? Even granting a superiority of mind in men that is not the necessary consequence of the difference in education (which is far from being proved and which ought to be if women are to be deprived of a natural right without injustice), this superiority can consist in only two points. It is said that no woman has made an important discovery in the sciences or given proof of genius in the arts, letters, etc. But certainly no one would presume to limit the rights of citizenship exclusively to men of genius. Some add that no woman has the same extent of knowledge or the same power of reasoning as certain men do; but what does this prove except that the class of very enlightened men is small? There is complete equality between women and the rest of men; if this little class of men were set aside, inferiority and superiority would be equally shared between the two sexes. Now since it would be completely absurd to limit the rights of citizenship and the eligibility for public offices to this superior class, why should women be excluded rather than those men who are inferior to a great number of women?

... It is said that women have never been guided by what is called reason despite much intelligence, wisdom, and a faculty for reasoning developed to the same degree as in subtle dialecticians. This observation is false: they have not conducted themselves, it is true, according to the reason of men but rather according to their own. Their interests not being the same due to the defects of the laws, the same things not having for them at all the same importance as for us, they can, without being unreasonable, determine their course of action according to other prin-

ciples and work toward a different goal. It is as reasonable for a woman to occupy herself with the embellishment of her person as it was for Demosthenes [a Greek orator] to cultivate his voice and gestures.

It is said that women, though better than men in that they are gentler, more sensitive, and less subject to the vices that follow from egotism and hard hearts, do not really possess a sense of justice; that they obey their feelings rather than their consciences. This observation is truer but it proves nothing. It is not nature but rather education and social conditions that cause this difference. Neither the one nor the other has accustomed women to the idea of what is just, only to the idea of what is becoming or proper. Removed from public affairs, from everything that is decided according to the most rigorous idea of justice, or according to positive laws, they concern themselves with and act upon precisely those things which are regulated by natural propriety and by feeling. It is therefore unjust to advance as grounds for continuing to refuse women the enjoyment of their natural rights those reasons that only have some kind of reality because women do not enjoy these rights in the first place.

If one admits such arguments against women, it would also be necessary to take away the rights of citizenship from that portion of the people who, having to work without respite, can neither acquire enlightenment nor exercise its reason, and soon little by little the only men who would be permitted to be citizens would be those who had followed a course in public law.

... It is natural for a woman to nurse her children, to care for them in their infancy; attached to her home by these cares, weaker than a man, it is also natural that she lead a more retiring, more domestic life. Women would therefore be in the same class with men who are obliged by their station or profession to work several hours a day. This may be a reason for not preferring them in elections, but it cannot be the grounds for their legal exclusion.

... I demand now that these arguments be refuted by other means than pleasantries or ranting; above all that someone show me a natural difference between men and women that can legitimately found [women's] exclusion from a right. ...

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ETTA PALM D'AELDERS

*Discourse on the Injustice of the Laws
in Favor of Men, at the Expense of Women**December 30, 1790*

Born Etta Lubina Derista Aelders in the Dutch Republic in 1743, she married Ferdinand Palm at age nineteen. After he disappeared in the Dutch East Indies, she eventually made her way to Paris in the early 1770s. During the early years of the French Revolution, she actively participated in the deliberations of the Cercle Social (Social Circle), a group of reformers that included Condorcet. She gave this address at the meeting of an affiliated political club, the Confederation of the Friends of Truth, the first political club to admit women as members. In her speech, d'Aelders puts forth very general demands but stops short of making specific requests for changes in the laws. The Confederation of the Friends of Truth agitated for legislation legalizing divorce and equality of inheritance between girls and boys, and eventually set up a women's section of the club to further the rights of women. D'Aelders returned to the Dutch Republic in 1795 and took part in the revolution imported by French soldiers (her date of death is not known).

Gentlemen, you have admitted my sex to this patriotic club The Friends of Truth [the club associated with the *Cercle Social*]; this is a first step toward justice. The august representatives of this happy nation have just applauded the intrepid courage of the Amazons [armed women who hoped to join the army] in one of your departments and have permitted them to raise a corps for the defense of the nation. This is a first shock to the prejudices in which our existence has been enveloped; it is a violent stroke against the despotism that has proved the most difficult to uproot.

Do not be just by halves, Gentlemen; . . . justice must be the first virtue

Source: Etta Palm d'Aelders, "Discours sur l'injustice des loix en faveur des hommes, au dépend des femmes, lu à l'Assemblée Fédérative des Amis de la Vérité, le 30 décembre 1790, par Madame Etta-Palm d'Aelders," in *Appel aux françoises sur la régénération des mœurs et la nécessité de l'influence des femmes dans un gouvernement libre* (Paris: De l'Imprimerie du Cercle Social, 1791), 2–6.

of free men, and justice demands that the laws be the same for all beings, like the air and the sun. And yet everywhere, the laws favor men at the expense of women, because everywhere power is in your hands. What! Will free men, an enlightened people living in a century of enlightenment and philosophy, will they consecrate what has been the abuse of power in a century of ignorance? . . .

The prejudices with which our sex has been surrounded — supported by unjust laws which only accord us a secondary existence in society and which often force us into the humiliating necessity of winning over the cantankerous and ferocious character of a man, who, by the greed of those close to us has become our master — those prejudices have changed what was for us the sweetest and the most saintly of duties, those of wife and mother, into a painful and terrible slavery. . . .

Well! What could be more unjust! Our life, our liberty, our fortune are no longer ours; leaving childhood, turned over to a despot whom often the heart finds repulsive, the most beautiful days of our life slip away in moans and tears, while our fortune becomes prey to fraud and debauchery. . . .

Oh! Gentlemen, if you wish us to be enthusiastic about the happy constitution that gives back men their rights, then begin by being just toward us. From now on we should be your voluntary companions and not your slaves. Let us merit your attachment! Do you believe that the desire for success is less becoming to us, that a good name is less dear to us than to you? And if devotion to study, if patriotic zeal, if virtue itself, which rests so often on love of glory, is as natural to us as to you, why do we not receive the same education and the same means to acquire them?

I will not speak, Gentlemen, of those iniquitous men who pretend that nothing can exempt us from an eternal subordination. Is this not an absurdity just like those told to the French on 15 July 1789: "Leave there your just demands; you are born for slavery; nothing can exempt you from eternally obeying an arbitrary will."

36

OLYMPE DE GOUGES

*The Declaration of the Rights of Woman**September 1791*

Marie Gouze (1748–1793) was a self-educated butcher's daughter from the south of France who, under the name Olympe de Gouges, wrote pamphlets and plays on a variety of issues, including slavery, which she attacked as based on greed and blind prejudice. In this pamphlet she provides a declaration of the rights of women to parallel the one for men, thus criticizing the deputies for having forgotten women. She addressed the pamphlet to the queen, Marie Antoinette, although she also warned the queen that she must work for the Revolution or risk destroying the monarchy altogether. In her postscript she denounced the customary treatment of women as objects easily abandoned. She appended to the declaration a sample form for a marriage contract that called for communal sharing of property. De Gouges went to the guillotine in 1793, condemned as a counterrevolutionary and denounced as an "unnatural" woman.

To be decreed by the National Assembly in its last sessions or by the next legislature.

Preamble

Mothers, daughters, sisters, female representatives of the nation ask to be constituted as a national assembly. Considering that ignorance, neglect, or contempt for the rights of woman are the sole causes of public misfortunes and governmental corruption, they have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of woman: 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 women's and men's powers may be the more fully respected; and so that by being founded henceforward on simple and incontestable principles the demands of the

Source: Olympe de Gouges, *Les Droits de la femme. A la Reine*. (Paris, 1791).

citizenesses may always tend toward maintaining the constitution, good morals, and the general welfare.

In consequence, the sex that is superior in beauty as in courage, needed in maternal sufferings, recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of woman and the citizeness.

1. Woman is born free and remains equal to man 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 woman and man. These rights are liberty, property, security, and especially resistance to oppression.
3. The principle of all sovereignty rests essentially in the nation, which is but the reuniting of woman and man. No body and no individual may exercise authority which does not emanate expressly from the nation.
4. Liberty and justice consist in restoring all that belongs to another; hence the exercise of the natural rights of woman has no other limits than those that the perpetual tyranny of man opposes to them; these limits must be reformed according to the laws of nature and reason.
5. The laws of nature and reason prohibit all actions which are injurious to society. No hindrance should be put in the way of anything not prohibited by these wise and divine laws, nor may anyone be forced to do what they do not require.
6. The law should be the expression of the general will. All citizenesses and citizens should take part, in person or by their representatives, 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, according to their ability, and with no other distinction than that of their virtues and talents.
7. No woman is exempted; she is indicted, arrested, and detained in the cases determined by the law. Women like men obey this rigorous law.
8. Only strictly and obviously necessary punishments should be established by the law, and no one may be punished except by virtue of a law established and promulgated before the time of the offense, and legally applied to women.
9. Any woman being declared guilty, all rigor is exercised by the law.
10. No one should be disturbed for his fundamental opinions; woman has the right to mount the scaffold, so she should have the right equally to mount the tribune, provided that these manifestations do not trouble public order as established by law.

11. The free communication of thoughts and opinions is one of the most precious of the rights of woman, since this liberty assures the recognition of children by their fathers. Every citizeness may therefore say freely, I am the mother of your child; a barbarous prejudice [against unmarried women having children] should not force her to hide the truth, so long as responsibility is accepted for any abuse of this liberty in cases determined by the law [women are not allowed to lie about the paternity of their children].

12. The safeguard of the rights of woman and citizeness requires public powers. These powers are instituted for the advantage of all and not for the private benefit of those to whom they are entrusted.

13. For maintenance of public authority and for expenses of administration, taxation of women and men is equal; she takes part in all forced labor service, in all painful tasks; she must therefore have the same proportion in the distribution of places, employments, offices, dignities, and in industry.

14. The citizenesses and citizens have the right, by themselves or through their representatives, to have demonstrated to them the necessity of public taxes. The citizenesses can only agree to them upon admission of an equal division, not only in wealth, but also in the public administration, and to determine the means of apportionment, assessment, and collection, and the duration of the taxes.

15. The mass of women, joining with men in paying taxes, have the right to hold accountable every public agent of the administration.

16. Any society in which the guarantee of rights is not assured or the separation of powers not settled has no constitution. The constitution is null and void if the majority of individuals composing the nation has not cooperated in its drafting.

17. Property belongs to both sexes whether united or separated; it is for each of them an inviolable and sacred right, and no one may be deprived of it as a true patrimony of nature, except when public necessity, certified by law, obviously requires it, and then on condition of a just compensation in advance.

Postscript

Women, wake up; the tocsin of reason sounds throughout the universe; recognize your rights. The powerful empire of nature is no longer surrounded by prejudice, fanaticism, superstition, and lies. The torch of truth has dispersed all the clouds of folly and usurpation. Enslaved man has multiplied his force and needs yours to break his chains. Having become

free, he has become unjust toward his companion. Oh women! Women, when will you cease to be blind? What advantages have you gathered in the revolution? A scorn more marked, a disdain more conspicuous. During the centuries of corruption you only reigned over the weakness of men. Your empire is destroyed; what is left to you then? Firm belief in the injustices of men. The reclaiming of your patrimony founded on the wise decrees of nature; why should you fear such a beautiful enterprise? . . . Whatever the barriers set up against you, it is in your power to overcome them; you only have to want it. Let us pass now to the appalling account of what you have been in society; and since national education is an issue at this moment, let us see if our wise legislators will think sanely about the education of women.

Women have done more harm than good. Constraint and dissimulation have been their lot. What force has taken from them, ruse returned to them; they have had recourse to all the resources of their charms, and the most irreproachable man has not resisted them. Poison, the sword, women controlled everything; they ordered up crimes as much as virtues. For centuries, the French government, especially, depended on the nocturnal administration of women; officials kept no secrets from their indiscretion; ambassadorial posts, military commands, the ministry, the presidency [of a court], the papacy, the college of cardinals, in short everything that characterizes the folly of men, profane and sacred, has been submitted to the cupidity and ambition of this sex formerly considered despicable and respected, and since the revolution, respectable and despised. . . .

Under the former regime, everyone was vicious, everyone guilty. . . . A woman only had to be beautiful and amiable; when she possessed these two advantages, she saw a hundred fortunes at her feet. . . . The most indecent woman could make herself respectable with gold; the commerce in women was a kind of industry amongst the highest classes, which henceforth will enjoy no more credit. If it still did, the revolution would be lost, and in the new situation we would still be corrupted. Can reason hide the fact that every other road to fortune is closed to a woman bought by a man, bought like a slave from the coasts of Africa? The difference between them is great; this is known. The slave [that is, the woman] commands her master, but if the master gives her her freedom without compensation and at an age when the slave has lost all her charms, what does this unfortunate woman become? The plaything of disdain; even the doors of charity are closed to her; she is poor and old, they say; why did she not know how to make her fortune?

Other examples even more touching can be provided to reason. A young woman without experience, seduced by the man she loves, abandons her parents to follow him; the ingrate leaves her after a few years and the older she will have grown with him, the more his inconstancy will be inhuman. If she has children, he will still abandon her. If he is rich, he will believe himself excused from sharing his fortune with his noble victims. If some engagement ties him to his duties, he will violate it while counting on support from the law. If he is married, every other obligation loses its force. What laws then remain to be passed that would eradicate vice down to its roots? That of equally dividing [family] fortunes between men and women and of public administration of their goods. It is easy to imagine that a woman born of a rich family would gain much from the equal division of property [between children]. But what about the woman born in a poor family with merit and virtues; what is her lot? Poverty and opprobrium. If she does not excel in music or painting, she cannot be admitted to any public function, even if she is fully qualified. . . .

Marriage is the tomb of confidence and love. A married woman can give bastards to her husband with impunity, and even the family fortune which does not belong to them. An unmarried woman has only a feeble right: ancient and inhuman laws refuse her the right to the name and goods of her children's father; no new laws have been made in this matter. If giving my sex an honorable and just consistency is considered to be at this time paradoxical on my part and an attempt at the impossible, I leave to future men the glory of dealing with this matter; but while waiting, we can prepare the way with national education, with the restoration of morals and with conjugal agreements.

FORM FOR A SOCIAL CONTRACT BETWEEN MAN AND WOMAN

We, _____ and _____, moved by our own will, unite for the length of our lives and for the duration of our mutual inclinations under the following conditions: We intend and wish to make our wealth communal property, while reserving the right to divide it in favor of our children and of those for whom we might have a special inclination, mutually recognizing that our goods belong directly to our children, from whatever bed they come [legitimate or not], and that all of them without distinction have the right to bear the name of the fathers and mothers who have acknowledged them, and we impose on ourselves the obligation of subscribing to the law that punishes any rejection of one's own blood [refusing to acknowledge an illegitimate child]. We likewise obligate ourselves, in the case of a separation, to divide our fortune equally and to set aside the portion the law designates for our children. In the case of a perfect union, the one

the one who dies first will give up half his property in favor of the children; and if there are no children, the survivor will inherit by right, unless the dying person has disposed of his half of the common property in favor of someone he judges appropriate. [She then goes on to defend her contract against the inevitable objections of "hypocrites, prudes, the clergy, and all the hellish gang."]

37

PRUDHOMME

"On the Influence of the Revolution on Women"

February 12, 1791

Having made his living as a bookseller and publisher of underground pamphlets before the Revolution, Louis Marie Prudhomme (1752–1832) founded Revolutions of Paris, one of the best-known radical newspapers of the French Revolution. In this article he responds to women's criticisms of the Revolution by attacking the role of queens and courtiers under the Old Regime and outlining a theory of women's "natural" domesticity for the new regime. Nevertheless, he calls on women to arm themselves to fight the counterrevolution, apparently seeing in the present crisis a powerful reason for quitting at least for the moment women's traditional peacetime roles. Disturbed by the increasing number of arrests and executions in 1793, he interrupted and then stopped publication of the paper in 1794.

Many women have complained to us about the Revolution. In numerous letters they report to us that for two years now it seems there is but one sex in France. In the primary assemblies [for voting], in the sections, in the clubs, etc. there is no longer any discussion about women, as if they no longer existed. They are accorded, as if by grace, a few benches for listening to the sessions of the National Assembly. Two or three women have appeared at the bar [spoken to the Assembly], but the audience was short, and the Assembly quickly passed on to the order of the day. Can

the French people, some ask, not become free without ceasing to be gallant? Long ago, in the time of the Gauls, our good ancestors, women had a deliberative vote in the Estates of the nation; they voted just like men, and things did not go so badly. . . .

The reign of the courtesans precipitated the ruin of the nation; the empire of queens consummated it. We saw a prince [Louis XV], too quickly loved by the people, degrade his character in the arms of several women¹ [his mistresses] without modesty, and become, following the example of Nebuchadnezzar,² a brute who wallowed with a disgusting cynicism in the filth of the dirtiest pleasures. We saw his successor [Louis XVI] share with the public his infatuation with a young, lively, and frivolous princess [Marie Antoinette], who began by shaking off the yoke of etiquette as if practicing for one day shattering that of the laws. Soon following the lessons of her mother [Maria Theresa, empress of Austria], she profited from her ascendancy over little things to interfere in great ones and to influence the destiny of an entire people. . . .

Solemn publicists³ have seriously proposed taking the road of conciliation; they have maintained that women enjoy the rights of citizenship like men and should have entry to all public assemblies, even to those that constitute or legislate for the nation. They have claimed that women have the right to speak as much as men.

No doubt, and this power has never been denied them. But nature, from which society should not depart except in spite of itself, has prescribed to each sex its respective functions; a household should never remain deserted for a single instant. When the father of a family leaves to defend or lay claim to the rights of property, security, equality, or liberty in a public assembly, the mother of the family, focused on her domestic duties, must make order and cleanliness, ease and peace reign at home.

Women have never shown this sustained and strongly pronounced taste for civil and political independence, this ardor to which everything cedes, which inspires in men so many great deeds, so many heroic actions. This is because civil and political liberty is in a manner of speaking useless to women and in consequence must be foreign to them. Destined to pass all their lives confined under the paternal roof or in the house of their marriage; born to a perpetual dependence from the first moment of their existence until that of their decease, they have only been

endowed with private virtues. The tumult of camps, the storms of public places, the agitations of the tribunals are not at all suitable for the second sex. To keep her mother company, soften the worries of a spouse, nourish and care for her children, these are the only occupations and true duties of a woman. A woman is only comfortable, is only in her place in her family or in her household. She need only know what her parents or her husband judge appropriate to teach her about everything that takes place outside her home.

Women! . . . The liberty of a people has for its basis good morals and education, and you are its guardians and first dispensers. . . . Appear in the midst of our national festivals with all the brilliance of your virtues and your charms! When the voice of the public acclaims the heroism and wisdom of a young citizen, then a mother rises and leads her young, beautiful, and modest daughter to the tribunal where crowns are distributed; the young virgin seizes one of them and goes herself to set it on the forehead of the acclaimed citizen. . . .

Citizenessess of all ages and all stations! Leave your homes all at the same time; rally from door to door and march toward city hall. . . . Armed with burning torches, present yourselves at the gates of the palace of your tyrants and demand reparation. . . . If the enemy, victorious thanks to disagreements between patriots, insists upon putting his plan of counterrevolution into action . . . you must avail yourself of every means, bravery and ruses, arms and poison; contaminate the fountains, the foodstuffs; let the atmosphere be charged with the seeds of death. . . . Once the country is purged of all these hired brigands, citizenesses! We will see you return to your dwellings to take up once again the accustomed yoke of domestic duties.

¹ Madame du Barry among others.

² Nebuchadnezzar was king of Babylonia 605–562 B.C. — Ed.

³ M. Condorcet, among others, in a number of the journal of the club of 1789.

Discussion of Citizenship under the Proposed New Constitution

April 29, 1793

After the second revolution of August 10, 1792, a revolution directed this time explicitly against the monarchy, a new National Convention was elected to rewrite the constitution and replace the monarchy with a republic. The deputies proclaimed the republic on September 22, 1792, but drafting of a new constitution took much longer. In April 1793, the Convention took up the question of citizenship. Jean Denis Lanjuinais (1753–1827) spoke for the committee designated to consider constitutional projects. A lawyer by training and a moderate in politics (he voted against the death sentence for the king and had to go into hiding for eighteen months in 1793–94), Lanjuinais offered the common view that women were excluded from political rights.

In laying out his case, however, Lanjuinais recognized that questions had been raised about women's place and that the original Declaration of the Rights of Man and Citizen had been vague on this point; women clearly had civil rights just like men, so why should they not enjoy political rights as well? In his report, Lanjuinais referred to the position taken by Pierre Guyomar (1757–1826), a deputy who argued forcefully, but unsuccessfully, for equal political rights for women. In other respects, Guyomar's politics resembled those of Lanjuinais; he, too, was a moderate, having voted for detention of Louis XVI rather than the death sentence.

LANJUINAIS, REPORT OF THE COMMITTEE CHARGED WITH ANALYZING
CONSTITUTIONAL PROJECTS

The general idea aroused by the word citizen is that of a member of the polity, of civil society, of the nation. In a strict sense, it signifies only those who are admitted to the exercise of political rights, to vote in the people's assemblies, those who can elect and be elected to public offices; in a word, the *members of the sovereign*. Thus children, the insane, minors, women, and those condemned to corporal punishment or to a loss of civil rights until their rehabilitation, would not be citizens.

Source: *Archives parlementaires* 63 (Paris, 1903): 561–64, 591–93, 595–96.

But in common usage, this expression is applied to all those who form the social body, that is, who are neither foreigners nor civilly dead, whether or not they have political rights; finally, to all those who enjoy the fullness of civil rights, whose person and goods are governed in all things by the general laws of the country. These are citizens in the most ordinary language. . . .

I conclude from this that the denomination of *active* citizen, invented by Sieyès, would still be useful even today; it would bring clarity to our constitutional language. . . . There are essential conditions for being an active citizen: namely, a suitable age, the use of reason, the declaration of wanting to belong to the French nation, a time of residence after that declaration which would make apparent the persevering will to belong to this nation, and not to have been deprived by court judgment of the quality of citizen or of the right to vote.

Before turning to the question of age, we must speak about sex. The committee appears to exclude women from political rights, but several projects have opposed this exclusion; our colleague Romme [another deputy] has already brought you his complaints, and Guyomar has given us an interesting dissertation on the subject.

It is true that the physique of women, their goal in life, and their position distance them from the exercise of a great number of political rights and duties. Perhaps our current customs and the vices of our education make this distancing still necessary at least for a few years. If the best and most just institutions are those most in conformity with nature, it is difficult to believe that women should be called to the exercise of political rights. It is impossible for me to think that taking everything into consideration, men and women would gain anything good from it.

GUYOMAR, THE PARTISAN OF POLITICAL EQUALITY BETWEEN INDIVIDUALS,
APRIL 1793

I have thought hard and long about the declaration of the rights of man, whether living in France or in some other country of the world. I attached the same ideas as the Latins to the word *man*; and here is perhaps the origin of my very excusable error. In fact their *homo* expressed by itself these two words consecrated by usage, *man*, *woman*; I will therefore use it in the same fashion, and if I have employed the word *individual*, it is because it appeared to me more appropriate for indicating humans of each sex, of all ages, all members, in my opinion, of the great family which inhabits the world. This once posed, the first question that presents itself to the mind of a partisan of political equality between the individuals of

humankind is this: does the declaration of the Rights of man apply to women? . . .

What is then the prodigious difference between men and woman? I see none in their characteristic traits. I mean soul for those who believe in it, reason and the passions for the partisans of the one or the other system. There is no doubt a difference, that of the sexes . . . but I do not conceive how a sexual difference makes for one in the equality of rights. . . . I maintain that half of the individuals of a society do not have the right to deprive the other half of the imprescriptible right of giving their opinion. Let us liberate ourselves rather from the prejudice of sex, just as we have freed ourselves from the prejudice against the color of Negroes. . . .

I think therefore that the declaration of rights is the same for men and women. I do not see what right of sovereignty could be claimed by the one which would not be immediately asserted by the other. Custom and oppression only serve to prove that power has been usurped. The law of the strongest maintains tyranny; that of justice, reason, and humanity brings us back effortlessly to equality and liberty, the bases of a democratic republic. . . .

What! At the birth of equality, would one also proclaim the enslavement of half of humankind, whose happiness we have made our project? The epoch of the new order of things will leave women in the old one, and they will date from this day their designation as islands within the Republic; they will be servants without wages, placed at the same rank that our legislators assigned to hired servants. In effect, they will have no citizenship; if they do not have the right to vote in the primary assemblies, they are not members of the sovereign. These are two empty words for them. I observe, in passing, that the name of citizeness is more than ridiculous and should be struck from our language. We should henceforth call them either *wives* or *daughters* of a citizen, never *citizenesses*. Either strike the word, or bring reality in line with it. . . .

Pressed by this argument in conformity with our principles, but pushed to a logical conclusion which could displease, I do not doubt that some will soon have recourse to the escape of a presumed representation. They will say therefore that a husband is the born representative of his wife. Following the same line of argument, charge him right away with drinking and eating for her, since surely the moral faculties are as independent as all the physical needs. . . .

Voting women incontestably have the right to be elected. . . . I do not even see any inconvenience in their admission to certain local offices, which would require no travel. The creation of free posts for women for policing themselves seems to me to be part of the system of equality

established for male and female primary school teachers. This is far from the flagrant injustice that places them in a class with children, imbeciles, and madmen, all incapable of voting in the primary assemblies. This then is what men do to the women to whom they owe their perilous birth, the care of their childhood, their first education! Sexual pride makes them forget everything.

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Discussion of Women's Political Clubs and Their Suppression

October 29–30, 1793

On October 29, 1793, a group of women appeared in the National Convention to complain that women militants had tried to force them to wear the red cap of liberty as a sign of their adherence to the Revolution, but they also presented a petition demanding the suppression of the women's club behind these actions. Their appearance provided the occasion for a discussion of women's political activity more generally. Philippe Fabre d'Eglantine (1755–1794) gave a speech denouncing both the agitation about dress and the women's clubs. Fabre, a well-known poet and playwright, took an active role in the de-Christianization movement that was getting under way in the fall of 1793. He went to the guillotine in April 1794, supposedly for financial fraud but really for opposing Robespierre's policies (Robespierre distrusted the de-Christianization movement). The Convention immediately passed a decree reaffirming liberty of dress but put off to the next day consideration of the clubs.

On October 30, 1793, Jean Baptiste Amar (1755–1816) spoke for the Committee of Public Security and proposed a decree suppressing all women's political clubs, which passed with virtually no discussion. He outlined the government's official policy on women: Women's proper place was in the home, not in politics. Broad agreement about women's role did not prevent internal dissension among the men; Amar himself denounced Fabre a few months later and then joined the opposition to Robespierre in July 1794, which ended in Robespierre's own execution. The club at issue in the October

Source: *Archives parlementaires* 78 (Paris, 1911): 20–22, 33–35, 48–51 [in both cases, I have used the rendition of the speech given in the *Moniteur universel*].

debate was the Society of Revolutionary Republican Women, founded in May 1793 to agitate for firmer measures against the country's enemies. The club supported the establishment of companies of amazons, armed to fight internal enemies, but it did not advance specifically feminist demands such as the demand for the right to vote. Nonetheless, the deputies found any organized women's political activity threatening and forbade it henceforth.

FABRE D'EGLANTINE, OCTOBER 29, 1793

There have already been troubles about the cockade [the tricolor ribbon decoration used to signify support of the Revolution]; you have decreed that women should wear it. Now they ask for the red cap [of liberty]. They will not rest there; they will soon demand a belt with pistols. These demands will coincide perfectly with the manœuvres behind the mobs clamoring for bread, and you will see lines of women going to get bread as if they were marching to the trenches. It is very adroit on the part of our enemies to attack the most powerful passion of women, that of their adornment, and on this pretext, arms will be put into their hands that they do not know how to use, but which bad subjects would be able to use all too well. This is not even the only source of division that is associated with this sex. Coalitions of women are forming under the name of revolutionary, fraternal, etc. institutions. I have already clearly observed that these societies are not at all composed of mothers, daughters, and sisters of families occupied with their younger brothers or sisters, but rather of adventuresses, female knights-errant, emancipated girls, and amazons. (Applause) I ask for two very urgent things because women in red caps are in the street. I ask that you decree that no individual, under whatever pretext, and on pain of being prosecuted as a disturber of the public peace, can force any citizen to dress other than in the manner that he wishes. I ask next that the Committee of General Security make a report on women's clubs. (Applause)

Decree:

No person of either sex may constrain any citizen or citizeness to dress in a particular manner. Everyone is free to wear whatever clothing or adornment of his sex seems right to him, on pain of being considered and treated as a suspect and prosecuted as a disturber of public peace.

AMAR, OCTOBER 30, 1793

In the morning at the market and charnel-house [mortuary] of the Innocents, several women, so-called women Jacobins, from a club that is

supposedly revolutionary, walked about wearing trousers and red caps; they sought to force the other citizenesses to adopt the same dress. Several have testified that they were insulted by these women. A mob of some 6,000 women formed. . . .

Your committee believed it must go further in its inquiry. It has posed the following questions: 1) Is it permitted to citizens or to a particular club to force other citizens to do what the law does not command? 2) Should the gatherings of women convened in popular clubs in Paris be allowed? Do not the troubles that these clubs have already occasioned prohibit us from tolerating any longer their existence? These questions are naturally complicated, and their solution must be preceded by two more general questions: . . .

1. Should women exercise political rights and get mixed up in the affairs of government? Governing is ruling public affairs by laws whose making demands extended knowledge, an application and devotion without limit, a severe impassiveness and abnegation of self; governing is ceaselessly directing and rectifying the action of constituted authorities. Are women capable of these required attentions and qualities? We can respond in general no. . . .

2. Secondly, should women gather together in political associations? . . . No, because they will be obliged to sacrifice to them more important cares to which nature calls them. The private functions to which women are destined by nature itself follow from the general order of society. This social order results from the difference between man and woman. Each sex is called to a type of occupation that is appropriate to it. Its action is circumscribed in this circle that it cannot cross over, for nature, which has posed these limits on man, commands imperiously and accepts no other law.

Man is strong, robust, born with a great energy, audacity, and courage; thanks to his constitution, he braves perils and the inclemency of the seasons; he resists all the elements, and he is suited for the arts and difficult labors. And as he is almost exclusively destined to agriculture, commerce, navigation, voyages, war, to everything that requires force, intelligence, and ability, in the same way he alone appears suited for the profound and serious cogitations that require a great exertion of mind and long studies and that women are not given to following. . . .

In general, women are hardly capable of lofty conceptions and serious cogitations. And if, among ancient peoples, their natural timidity and modesty did not permit them to appear outside of their family, do you

want in the French Republic to see them coming up to the bar, to the speaker's box, to political assemblies like men, abandoning both the discretion that is the source of all the virtues of this sex and the care of their family?

Decree:

The clubs and popular societies of women, under whatever denomination, are prohibited.

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CHAUMETTE

*Speech at the General Council of the City
Government of Paris Denouncing
Women's Political Activism*

November 17, 1793

The very same Pierre Gaspard Chaumette (1763–1794) who would denounce slavery in such lofty terms in a few months' time (document 33 in this text) clearly had very different views about the political rights of women. When a deputation of women appeared at city hall wearing red caps, the symbol of liberty, others present in the galleries began to cry out, "Down with the red cap of women!" Chaumette then delivered a violent diatribe against women's activism.

I demand a special mention in the proceedings for the murmuring that has just broken out; it is a homage to good morals. It is shocking, it is contrary to all the laws of nature for a woman to want to make herself a man. The Council should remember that some time ago these denatured women, these *viragos* [noisy, domineering women; amazons], wandered the markets with the red cap in order to soil this sign of liberty and wanted to force all the women to give up the modest coiffure that is suited to them. . . . Since when is it permitted to renounce one's sex? Since when is it decent to see women abandon the *pious* cares of their household, the

Source: *Moniteur universel* (Nov. 19, 1793), recounting the session of Nov. 17, 1793.

cradle of their children, to come into public places, to the galleries to hear speeches, to the bar of the senate? . . .

Remember that haughty wife of a foolish and treacherous spouse, *the Roland woman* [Marie Jeanne Roland, wife of a minister in 1792], who thought herself suited to govern the republic and who raced to her death. Remember the shameless Olympe de Gouges, who was the first to set up women's clubs, who abandoned the cares of her household to involve herself in the republic, and whose head fell under the avenging blade of the laws. Is it for women to make motions? Is it for women to put themselves at the head of our armies?