

THE
FRENCH
REVOLUTION



*A Document
Collection*

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COMTE DE MIRABEAU: Yesterday, I had the honor of submitting to you some reflections which tended to demonstrate that religion is a duty and not a right, and that the only thing appropriate to the declaration with which we are occupied is to forcefully pronounce on freedom of religion. . . .

We are permitted to form assemblies, circles, clubs, masonic lodges, every sort of society. The business of the police is to prevent these assemblies from disturbing public order. . . . To keep surveillance over any religion, even your own, so that it does not disturb the peace, that is your task, but you can do no more.

This so-called dominant religion is endlessly discussed: dominant! Gentlemen, I do not understand this word, and I need someone to define it for me.

Is it an oppressive religion of which you speak? But you have banished this word, and men who have assured the right of liberty do not assert that of oppression. Do you refer to the religion of the Prince? But the Prince does not have the right to dominate consciences or to regulate opinion. Is it the religion of the greatest number? But religion is an opinion; this or that religion is the result of this or that opinion. Opinions are not formed as the result of a vote; your thought belongs to you! It is independent, you can engage it.

Finally, an opinion which is that of the greatest number does not have the right to dominate. It is a tyrannical word which should be banished from our legislation, because if you use it in this case, you can use it in all. You will then have a dominant religion, a dominant philosophy, dominant systems. Only justice should dominate; it alone has the right to dominate each one, everything else is submitted to it. Now it is an evident right, already consecrated by you, to do anything that does not harm another.

RABAUT DE SAINT-ÉTIENNE: The honor which I share with you, gentlemen, to be a deputy of the nation and of this august assembly, gives me the right to speak in my turn, and to express my opinion on the question which occupies you. . . . But having the honor to speak to you, gentlemen, to ask you to include a certain and clearly enunciated principle in the declaration of rights, on which you can one day establish just laws pertaining to non-Catholics, I should first tell you their situation in France.

Non-Catholics (some of you, gentlemen, are perhaps unaware) received only that which could not be refused them from the Edict of November 1787. Yes, that which could not be refused them; I do not repeat this without some shame, but it is not a gratuitous indictment—these are the exact terms of the edict. This law, more famous than just, standardizes the forms for registering births, marriages, and deaths; it permits [Protestants] as a consequence to enjoy civil status and to practice their professions . . . and that is all.

Gentlemen, it is in eighteenth-century France that a maxim from barbarous times is maintained to divide a nation into a favored caste and a disgraced caste, and that one regards as progress an act of legislation which permitted French people, proscribed for one hundred years, to exercise their professions, that is to say to live, and which no longer deemed their children illegitimate. . . .

Protestants have done everything for the nation, and the nation treats them with ingratitude. They serve it as citizens; they are treated like outcasts. They serve men you have freed; they are treated as slaves. But finally, a French nation exists, and it is to her that I appeal on behalf of two million useful citizens who reclaim their French birthright today. I do her an injustice to think that she can pronounce the word intolerance; it is banished from our language, where it subsists only as one of those barbarous and outdated words which is no longer useful, because the idea it represents is destroyed. But, gentlemen, it is not even tolerance that I demand; it is liberty. Tolerance! Support! Pardon! Clemency! ideas supremely unjust toward dissidents in so much as it is true that difference of religion, difference of opinion is not a crime. . . .

Gentlemen, I therefore demand for French Protestants, for all the kingdom's non-Catholics, that which you demand for yourselves: liberty and equal rights. I demand it for those people torn from Asia [Jews], always errant, always proscribed, always persecuted for nearly eighteen centuries who adopt our morals and our customs. [I demand it], if, by our laws, they are assimilated with us. We ought not reproach [their] morality because it is the fruit of our barbarism and the humility to which we have unjustly condemned them. . . .

I conclude then, gentlemen, . . . that you should include in your declaration this article: "Every man is free in his opinions; every citizen has the right to freely practice his religion, and no one can be disturbed on account of his religion."

21. "Declaration of the Rights of Man and Citizen"

(AUGUST 26, 1789)

Although it was officially in effect for only four years, this document has had a greater impact on world history than any other from the Revolution, influencing even the United Nations' Universal Declaration of Human Rights. An amalgam of Enlightenment political thought, which emphasized natural law, and Old Regime constitutionalism, the declaration guarantees rights to liberty, property, and freedom from oppression. Similar to its American predecessor, it also provides for a strict separation of powers. It was replaced by a new declaration in 1793.



Source: Frank Maloy Anderson, ed., *The Constitution and Other Select Documents Illustrative of the History of France, 1789–1907* (New York: Russell and Russell, 1908; reprinted 1967), pp. 59–61.



An officer of the National Guard takes an oath. (Giraudon/Art Resource, New York)

The Representatives of the French people, organized in National Assembly, considering that ignorance, forgetfulness, or contempt of the rights of man are the sole causes of public miseries and the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, so that this declaration, being ever present to all members of the social body, may unceasingly remind them of their rights and duties; in order that the acts of the legislative power and those of the executive power may at

each moment be compared with the aim of every political institution and thereby may be more respected; and in order that the demands of the citizens, grounded henceforth upon simple and incontestable principles, may always take the direction of maintaining the constitution and welfare of all.

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 citizen.

1. Men are born free and remain equal in rights. Social distinctions can be based only on public utility.
2. The aim of every 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 source of all sovereignty resides essentially in the nation; no body, no individual can exercise authority that does not proceed from it in plain terms.
4. Liberty consists in the power to do anything that does not injure others; accordingly, the exercise of the rights of each man has no limits except those that secure the enjoyment of these same rights to the other members of society. These limits can be determined only by law.
5. The law has only the right to forbid such actions as are injurious to society. Nothing can be forbidden that is not interdicted by the law, and no one can be constrained to do that which it does not order.
6. Law is the expression of the general will. All citizens have the right to take part personally, or by their representatives, in its formation. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, are equally eligible to all public dignities, places, and employments, according to their capacities, and without other distinction than that of their virtues and talents.
7. No man can be accused, arrested, or detained, except in the cases determined by the law and according to the forms it has prescribed. Those who procure, expedite, execute, or cause arbitrary orders to be executed, ought to be punished: but every citizen summoned or seized in virtue of the law ought to render instant obedience; he makes himself guilty by resistance.
8. The law ought only to establish penalties that are strict and obviously necessary, and no one can be punished except in virtue of a law established and promulgated prior to the offense and legally applied.
9. Every man being presumed innocent until he has been pronounced guilty, if it is thought indispensable to arrest him, all severity that may not be necessary to secure his person ought to be strictly suppressed by law.

10. No one should be disturbed on account of his opinion, even religious, provided their manifestation does not upset 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 can then freely speak, write, and print, subject to responsibility for the abuse of this freedom in the cases determined by law.
12. The guarantee of the rights of man and citizen requires a public force; this force then is instituted for the advantage of all and not for the personal benefit of those to whom it is entrusted.
13. A general tax is indispensable for the maintenance of the public force and for the expenses of administration; it ought to be equally apportioned among all citizens according to their means.
14. All citizens have the right to ascertain, by themselves or by their representatives, the necessity of the public tax, to consent to it freely, to follow the employment of it, and to determine the quota, the assessment, the collection, and the duration of it.
15. Society has the right to call for an account of his administration by every public agent.
16. Any society in which the guarantee of the rights is not secured, or the separation of powers not determined, has no constitution at all.
17. Property being a sacred and inviolable right, no one can be deprived of it, unless a legally established public necessity evidently demands it, under the condition of a just and prior indemnity.

French Constitution

The National Assembly, wishing to establish the French constitution upon the principles which it has just recognized and declared, abolishes irrevocably the institutions that have injured liberty and the equality of rights.

There is no longer nobility, nor peerage, nor hereditary distinctions, nor distinctions of orders, nor feudal regime, nor patrimonial jurisdictions, nor any titles, denominations, or prerogatives derived therefrom, nor any order of chivalry, nor any corporations or decorations which demanded proof of nobility or that were grounded upon distinctions of birth, nor any superiority other than that of public officials in the exercise of their functions.

There is no longer sale or inheritance of any public office.

There is no longer for any part of the nation nor for any individual any privilege or exception to the law that is common to all Frenchmen.

There are no longer guilds, nor corporations of professions, arts, and crafts.

The law no longer recognizes religious vows, nor any other obligation which may be contrary to natural rights or the constitution.

22. Petition by the Jews Settled in France to the National Assembly Concerning the Postponement of December 24, 1789 (JANUARY 28, 1790)

Although the "Declaration of the Rights of Man" promised that "No one should be disturbed on account of his opinions, even religious," this was not considered applicable to Jews. The National Assembly undertook to debate the status of Jews separately the following December, only to postpone their decision. As the following petition suggests, the debate was not restricted to a simple question of determining abstract and universal rights; rather, deputies continued an Enlightenment debate about whether Jews had an ineradicably different character or were able to adopt French mores and habits. On the same day that this petition was delivered to the Assembly, it voted to restore certain prerevolutionary rights to the community of Sephardic Jews living in southwest France, rights from which the Ashkenazi Jews of eastern France were excluded. The National Assembly did not pass a decree conferring equal rights on all French Jews until September 27, 1791.



A great question is pending before the supreme tribunal of France: Will or will not the Jews be *citizens*?

This question has already been debated in the National Assembly and the speakers, whose intentions are equally patriotic, did not agree at the outcome of their debate.

Some wanted the Jews to be admitted to civil society.

Others argued that such admission would be dangerous.

A third opinion favored undertaking the complete improvement of the Jews' condition by means of gradual reform.

In the midst of these debates, the National Assembly thought it necessary to postpone the question; the decree of last December 24, regarding this postponement, is an act which is perhaps among those that most honor the prudence and wisdom of this assembly.

This postponement was based on the need to further clarify such an important question; to gather more certain information about what the Jews are and what they may be; to more precisely know what is favorable and what is disadvantageous to them; and finally to cultivate opinions by intensive discussion of a decree which, regardless of its outcome, will make decisive judgment of their future.

It has also been said that the postponement was based on the need to acquire exact knowledge of the true demands of the Jews; considering, it has

Source: *Adresses, mémoires et pétitions des Juifs, 1789–1794* (Paris: EDHIS, 1968). Translated by Laura Mason.