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“THERE WILL BE NO  
END OF IT”

*The Consequences of Declaring*

JUST BEFORE CHRISTMAS 1789, the deputies of the French National Assembly found themselves in the midst of a peculiar debate. It began on December 21, when a deputy raised the issue of the voting rights of non-Catholics. “You have declared that all men are born and remain free and equal in rights,” he reminded his fellow deputies. “You have declared that no one can be disturbed for his religious opinions.” Many Protestants sit as deputies among us, he observed, and so the Assembly should immediately decree that non-Catholics be eligible to vote, hold office, and aspire to any civil or military post, “like other citizens.”

“Non-Catholics” comprised an odd category. When Pierre Brunet de Lатуке used it in his proposed decree, he clearly meant Protestants. But did it not include Jews as well? France

was home to some 40,000 Jews in 1789 in addition to its 100,000–200,000 Protestants (Catholics made up the other 99 percent of the population). Two days after Brunet de Lатуке’s initial intervention, Comte Stanislas de Clermont-Tonnerre decided to push right into the thicket. “There is no middle way possible,” he insisted. Either you establish an official religion of the state, or you admit to voting and public office members of any religion. Clermont-Tonnerre insisted that religious belief should not be a cause for exclusion from political rights and that therefore Jews too should have equal rights. But that was not all. Profession should not be a cause for exclusion either, he argued. Executioners and actors, denied political rights in the past, should now gain entry too. (Executioners had been considered dishonorable because they killed people for a living, and actors because they pretended to be someone else.) Clermont-Tonnerre believed in consistency: “we should either forbid plays altogether or remove the dishonor associated with acting.”<sup>1</sup>

Rights questions thus revealed a tendency to cascade. Once the deputies considered the status of Protestants as a disenfranchised religious minority, Jews were bound to come up; as soon as religious exclusions made it to the agenda, professional ones were not long in following. Already in 1776 John Adams had feared an even more radical progression in Massachusetts. To James Sullivan he wrote,

Depend upon it, Sir, it is dangerous to open so fruitfull a Source of Controversy and altercation; as would be opened by attempting to alter the Qualifications of Voters. There will be no End of it. New Claims will arise. Women will demand a Vote. Lads from 12 to 21 will think their Rights not enough attended to, and every

Man, who has not a Farthing, will demand an equal  
Voice with any other in all Acts of State.

Adams did not really think that women or children would ask for the right to vote, but he did dread the consequences of extending suffrage to men without property. It was easiest to argue against "every Man, who has not a Farthing" by pointing to even more preposterous requests that might come from those on rungs further down the social ladder.<sup>2</sup>

In both the new United States and France, declarations of rights referred to "men," "citizens," "people," and "society" without addressing differences in political standing. Even before the French Declaration was drafted, an astute constitutional theorist, abbé Sieyès, had argued for a distinction between the natural and civil rights of citizens on the one hand and political rights on the other. Women, children, foreigners, and those who paid no taxes should be "passive" citizens only. "Those alone who contribute to the public establishment are like the true shareholders in the great social enterprise. They alone are the true active citizens."<sup>3</sup>

The same principles had long been in force on the other side of the Atlantic. The thirteen colonies denied the vote to women, African-Americans, Native Americans, and the propertyless. In Delaware, for example, the suffrage was limited to adult white males who owned fifty acres of land, had resided in Delaware for two years, were native-born or naturalized, denied the authority of the Roman Catholic Church, and acknowledged that the Old and New Testaments were divinely inspired. After independence, some states enacted more liberal provisions. Pennsylvania, for example, extended voting rights to all free adult men who paid taxes of any amount, and New Jersey briefly allowed prop-

ertied women to vote; but most states retained their property qualifications and many kept religious tests, at least for a time. John Adams captured the dominant view: "[s]uch is the Frailty of the human Heart, that very few Men, who have no Property, have any judgment of their own."<sup>4</sup>

The basic chronology of the extension of rights is easier to follow in France because political rights were defined by the national legislature, whereas in the new United States such rights were regulated by the individual states. In the week of October 20–27, 1789, the deputies passed a series of decrees setting the conditions for eligibility for voting: (1) to be French or to have become French through naturalization; (2) to have reached one's majority, set then at twenty-five years of age; (3) to have resided in the precinct for at least one year; (4) to pay direct taxes at a rate equal to the local value of three days of work (a higher rate was required for eligibility for office); and (5) not to be a domestic servant. The deputies said nothing about religion, race, or sex in setting these requirements, though it was clearly assumed that women and slaves were excluded.

Over the next months and years, group after group came up for specific discussion and eventually most of them got equal political rights. Protestant men gained their rights on December 24, 1789, as did all professions. Jewish men finally obtained the same access on September 27, 1791. Some, but not all, free black men won political rights on May 15, 1791, only to lose them on September 24 and then have them reinstated and applied more generally on April 4, 1792. On August 10, 1792, voting rights were extended to all men (in metropolitan France) except servants and the unemployed. On February 4, 1794, slavery was abolished and equal rights granted at least in principle to slaves. Despite this almost unimaginable extension of political rights to

groups previously disenfranchised, the line was drawn at women: women never gained equal political rights during the Revolution. They did, however, gain equal inheritance rights and the right to divorce.

### *The Logic of Rights: Religious Minorities*

The French Revolution, more than any other event, revealed that human rights have an inner logic. As the deputies faced the need to turn their lofty ideals into specific laws, they inadvertently developed a kind of conceivability or thinkability scale. No one knew in advance which groups were going to come up for discussion, when they would come up, or what the resolution of their status would be. But sooner or later, it became clear that granting rights to some groups (Protestants, for example) was more easily imagined than granting them to others (women). The logic of the process determined that as soon as a highly conceivable group came up for discussion (propertied males, Protestants), those in the same kind of category but located lower on the conceivability scale (propertyless males, Jews) would inevitably appear on the agenda. The logic of the process did not necessarily move events in a straight line forward, but in the long run it tended to do so. Thus, for example, the opponents of Jewish rights used the case of the Protestants (unlike Jews, they were Christians at least) to convince the deputies to table the question of Jewish rights. Yet in less than two years, Jews nevertheless got equal rights, in part because the explicit discussion of their rights had made granting equal rights to Jews more imaginable.

In the workings of this logic, the supposedly metaphysical nature of the Declaration of the Rights of Man and Citizen proved

to be a very positive asset. Precisely because it left aside any question of specifics, the July–August 1789 discussion of general principles helped set in motion ways of thinking that eventually fostered more radical interpretations of the specifics required. The declaration was designed to articulate the universal rights of humanity and the general political rights of the French nation and its citizens. It offered no specific qualifications for active participation. The institution of a government required movement from the general to the specific; as soon as elections were set up, the definition of qualifications for voting and holding office became urgent. The virtue of beginning with the general became apparent once the specific came into question.

Protestants were the first identity group to come up for consideration, and the discussion of them established an enduring characteristic of the subsequent disputes: a group could not be considered in isolation. Protestants could not come up without raising the question of Jews. Similarly, the rights of actors could not be questioned without raising the specter of executioners, or the rights of free blacks without drawing attention to the slaves. When pamphleteers wrote about women's rights, they inevitably compared them to those of propertyless men and slaves. Even discussions about the age of adulthood (it was lowered from twenty-five to twenty-one in 1792) depended on its comparison to childhood. The status and rights of Protestants, Jews, free blacks, or women were determined in large measure by their place in the larger network of groups constituting the polity.

Protestants and Jews had already come up together in the debates about drafting a declaration. The young noble deputy comte de Castellane had argued that Protestants and Jews should enjoy the "most sacred of all rights, that of freedom of religion." Yet even he insisted that no specific religion should be cited in

the declaration. Rabaut Saint-Etienne, himself a Calvinist pastor from Languedoc where many Calvinists lived, referred to the demand of his local grievance list for freedom of religion for non-Catholics. Rabaut explicitly included Jews among non-Catholics, but his argument, like those of everyone else in the debate, concerned freedom of religion, not the political rights of minorities. After hours of tumultuous debate, the deputies adopted a compromise article in August which made no mention of political rights (Article 10 of the declaration): "No one should be disturbed for his opinions, even in religion, provided that their manifestation does not trouble the public order as established by law." The formulation was deliberately ambiguous and was even interpreted by some as a victory for the conservatives, who vociferously opposed freedom of religion. Would not public worship by Protestants "trouble the public order"?<sup>5</sup>

By December, less than six months later, most of the deputies nevertheless took freedom of religion for granted. But did freedom of religion then imply equal political rights for religious minorities as well? Brunet de Latuque raised the issue of Protestants' political rights just a week after regulations were drawn up for municipal elections on December 14, 1789. He reported to his colleagues that non-Catholics were being excluded from voting lists on the pretext that they had not been included by name in the regulations. "You have certainly not wished, Sirs," he said hopefully, "to let religious opinions be an official reason for excluding some citizens and admitting others." Brunet's language was telling: the deputies were now having to interpret their previous actions in the light of the present. Opponents of the Protestants wanted to claim that Protestants could not participate because the Assembly had not voted a decree to that effect; after all, Protestants had been excluded

from political office by law since the 1685 Revocation of the Edict of Nantes, and no subsequent law had formally revised their political status. Brunet and his supporters argued that the general principles proclaimed in the Declaration of the Rights of Man and Citizen admitted no exceptions, that all those who fulfilled the age and economic conditions of eligibility had to be automatically eligible, and that therefore the previous strictures against Protestants were no longer valid.<sup>6</sup>

In other words, the abstract universalism of the declaration was now coming home to roost. Neither Brunet nor anyone else brought up the question of women's rights at this point; automatic eligibility apparently did not encompass sexual difference. But the minute the status of Protestants was raised in this fashion, the floodgates opened. Some deputies reacted with alarm. Clermont-Tonnerre's proposed extension outward from Protestants to all religions and professions ignited an intense debate. Although the question of Protestants' rights had started the discussion, almost everyone now granted that they should enjoy the same rights as Catholics. Extending rights to executioners and actors aroused only isolated, largely frivolous objections, but the suggestion of granting political rights to Jews provoked furious resistance. Even a deputy open to an eventual emancipation of the Jews argued that "Their idleness, their lack of tact, a necessary result of the laws and humiliating conditions to which they are subjected in many places, all work towards rendering them odious." Giving them rights, in his view, would only unleash a popular backlash against them (and in fact anti-Jewish riots had already taken place in eastern France). On December 24, 1789—Christmas Eve—the Assembly voted to extend equal political rights to "non-Catholics" and all professions, even while tabling the question of the political rights of Jews. The

vote in favor of Protestant political rights was evidently massive, according to participants, and one deputy wrote in his journal of "the joyfulness that manifested itself at the moment the decree passed."<sup>7</sup>

The turnaround in opinion about Protestants was astounding. Before the Edict of Toleration of 1787, Protestants had not been able to legally practice their religion, marry, or pass on their property. After 1787, they could practice their religion, marry before local officials, and register the births of their children. They gained only civil rights, however, not equal rights to political participation, and they still did not enjoy the right of practicing their religion publicly. That was reserved solely to Catholics. Some of the high courts had continued to resist application of the edict right into 1788 and 1789. In August 1789, therefore, it was far from evident that most deputies supported true freedom of religion. Yet by the end of December they had granted equal political rights to Protestants.

What explained the change of mind? Rabaut Saint-Etienne attributed the transformation in attitudes to the display of civic responsibility by Protestant deputies. Twenty-four Protestants, including himself, had been elected deputies in 1789. Even before then Protestants had held local offices despite official proscriptions, and in the uncertainty of the early months of 1789, many Protestants had participated in the elections for the Estates-General. The leading historian of the National Assembly, Timothy Tackett, traces the change in opinion about Protestants to internal political struggles within the Assembly; moderates found the obstructionism of the right increasingly distasteful and so aligned themselves with the left, which supported extension of rights. Yet even Tackett's prime example of obstructionism, the obstreperous clerical deputy abbé Jean

Maury, argued in favor of the rights of Protestants. Maury's position provides a clue to the process, for he linked support of the political rights of Protestants to denial of those of Jews: "The Protestants have the same religion and the same laws as us . . . they already enjoy the same rights." Maury sought to distinguish in this fashion between Protestants and Jews. However, the Spanish and Portuguese Jews of southern France immediately began preparing to petition the National Assembly with the claim that they too were already exercising their political rights on the local level. The attempt to play one religious minority off another only widened the crack in the door.<sup>8</sup>

The status of Protestants was transformed by both theory and practice, that is, by the discussion of general principles of freedom of religion and by the actual participation of Protestants in local and national affairs. Brunet de Latuque had invoked the general principle when he claimed that the deputies cannot have wanted "religious opinions be an official reason for excluding some citizens and admitting others." Not wanting to concede the general point, Maury had to grant the practical one; Protestants already exercised the same rights as Catholics. The general discussion in August had purposely left these matters unresolved, opening the door to later reinterpretations and even more important, not closing the door to participation in local affairs. Protestants and even some Jews had rushed to make the most of the new opportunities presented.

Unlike Protestants before the 1787 Edict of Toleration, French Jews suffered no penalties for publicly professing their religion, but they enjoyed few civil and no political rights. In fact, the Frenchness of the Jews was to some extent in question. The Calvinists were French people who had gone astray by embracing heresy, whereas the Jews were originally foreigners

who constituted a separate nation within France. Thus, the Alsatian Jews were known officially as "the Jewish nation of Alsace." But "nation" had a less nationalistic meaning at this time than it would have later in the nineteenth and twentieth centuries. Like most Jews in France, the Alsatian Jews constituted a nation insofar as they lived within a Jewish community whose rights and obligations had been set forth in special letters patent by the king. They had the right to govern some of their own affairs and even decide cases in their own courts; but they also suffered from a host of restrictions on the kinds of trades they could practice, the places where they could live, and the professions to which they might aspire.<sup>9</sup>

Enlightenment writers had written frequently about the Jews, though not always positively, and after the granting of civil rights to Protestants in 1787 attention shifted to improving the situation of the Jews. Louis XVI set up a commission to study the question in 1788, too late for action to be taken before the Revolution. Although Jewish political rights ranked lower than Protestant ones in conceivability, the Jews ultimately benefited from the attention drawn toward them. Explicit discussion did not immediately translate into rights, however. Three hundred and seven of the grievance lists drawn up in spring 1789 explicitly mentioned Jews, but opinion in them was sharply divided. Seventeen percent urged limitation on the number of Jews allowed in France and 9 percent advocated their expulsion, whereas only 9–10 percent urged improvement in their conditions. Amid the thousands of grievance lists, a mere eight advocated granting equal rights to Jews. Still, that was more than made the same claim for women.<sup>10</sup>

Jewish rights seem to fit the general rule that first efforts to raise the issue of rights often backfire. The largely negative posi-

tion of the grievance lists foreshadowed the refusal of the deputies to grant political rights to Jews in December 1789. Over the next twenty months, however, the logic of rights drove the discussion forward. Only a month after the discussion of Jewish rights was tabled, the Spanish and Portuguese Jews of southern France presented their petition to the Assembly claiming that, like Protestants, they were already participating in politics in some southern French cities such as Bordeaux. Speaking for the Committee on the Constitution, the liberal Catholic bishop Charles-Maurice de Talleyrand-Périgord essentially endorsed their position. The Jews were not asking for new rights of citizenship, he insisted; they were just asking "to continue to enjoy those rights" since they, like Protestants, were already exercising them. The Assembly could thus grant rights to some Jews without changing the status of Jews in general. In this way, the argument from practice could be turned against those who wanted categorical distinctions.<sup>11</sup>

Talleyrand's speech provoked an uproar, especially among the deputies from Alsace-Lorraine, which was home to the largest Jewish population. The Jews of eastern France were Ashkenazim, who spoke Yiddish. The men wore beards, unlike the Sephardim of Bordeaux, and French regulations restricted them largely to moneylending and peddling as occupations. There was little love lost between them and their peasant debtors. The deputies from the region wasted no time in pointing out the inevitable consequence of following Talleyrand's lead: "the exception for the Jews of Bordeaux [largely Sephardim] will soon result in the same exception for the other Jews of the kingdom." Over vociferous objections, the deputies nonetheless voted 374 to 224 that "all Jews known as Portuguese, Spanish, and Avignonese Jews will continue to exercise the rights which

they have exercised up to the present" and will therefore "exercise the rights of active citizens as long as they meet the requirements set by the decrees of the National Assembly [for active citizenship]."<sup>12</sup>

The vote in favor of rights for some Jews did make refusing it for others more difficult in the long run. On September 27, 1791, the Assembly revoked all its previous reservations and exceptions in regard to Jews, thus granting all of them equal rights. It also required that Jews swear a civic oath renouncing the special privileges and exemptions negotiated by the monarchy. In the words of Clermont-Tonnerre: "We must refuse everything to the Jews as a nation and accord everything to Jews as individuals." In exchange for giving up their own courts and laws, they would become individual French citizens like all others. Once again, practice and theory worked in dynamic relation to each other. Without the theory, that is the principles enunciated in the declaration, the reference to some Jews already practicing these rights would have had little impact. Without the reference to practice, the theory might have remained a dead letter (as it apparently continued to be for women).<sup>13</sup>

Rights were not just granted by the legislative body, however. The debates over rights galvanized the minority communities to speak for themselves and to demand equal recognition. Protestants had greater access since they could speak through their deputies already elected to the National Assembly. Yet Parisian Jews, who had no corporate status and numbered only a few hundred in total, presented their first petition to the National Assembly as early as August 1789. They were already asking the deputies "to consecrate our title and rights of Citizens." A week later, representatives of the much larger community of Jews in Alsace and Lorraine published an open letter

asking for citizenship, too. When the deputies recognized the rights of southern Jews in January 1790, the Jews of Paris, Alsace, and Lorraine banded together to present a joint petition. Since some deputies had questioned whether Jews really wanted French citizenship, the petitioners made their position crystal clear: "They ask that the degrading distinctions that they have suffered to this day be abolished and that they be declared CITIZENS." The petitioners knew exactly which buttons to push. After a long review of all the longstanding prejudices against the Jews, they concluded with an invocation of historical inevitability: "Everything is changing; the lot of the Jews must change at the same time; and the people will not be more surprised by this particular change than by all those which they see around them everyday. . . . [A]ttach the improvement of the lot of the Jews to the revolution; amalgamate, so to speak, this partial revolution to the general revolution." They dated their pamphlet with the very date the Assembly voted to make an exception for the southern Jews.<sup>14</sup>

Within two years, then, religious minorities had gained equal rights in France. Prejudice had certainly not disappeared, especially with regard to the Jews. Still, some sense of the enormity of such a change in such a short time can be established by simple comparisons. In Great Britain, Catholics first gained access to the armed forces, the universities, and the judiciary in 1793. British Jews had to wait until 1845 to achieve the same concessions. Catholics could be elected to the British Parliament only after 1829, Jews after 1858. The record in the new United States was a bit better. The small Jewish population in the British North American colonies, numbering only about 2,500, did not have political equality. After independence, most of the new United States continued to restrict officeholding (and in

some states, voting) to Protestants. The first amendment to the Constitution, drawn up in September 1789 and ratified in 1791, guaranteed freedom of religion, and gradually thereafter the states removed their religious tests. The process usually proceeded in the same two stages seen in Britain: first Catholics, then Jews, gained full political rights. Massachusetts, in 1780, for example, opened officeholding to anyone "of the Christian religion," though it waited until 1833 to do so for all religions. Following Jefferson's lead, Virginia moved more quickly, granting equal rights in 1785, with South Carolina and Pennsylvania following in 1790. Rhode Island only acted in 1842.<sup>15</sup>

### *Free Blacks, Slavery, and Race*

The bulldozer force of the revolutionary logic of rights can be seen even more clearly in the French decisions about free blacks and slaves. Again, comparison is telling; France granted equal political rights to free blacks (1792) and emancipated the slaves (1794) long before any other slaveholding nation. Even though the new United States granted rights to religious minorities much earlier than did its British cousins, it lagged far behind when it came to the question of slavery. After years of petition campaigns spearheaded by the Quaker-inspired Society for the Abolition of the Slave Trade, the British Parliament voted to end participation in the slave trade in 1807 and decided in 1833 to abolish slavery in the British colonies. The record in the United States was more dismal because the Constitutional Convention of 1787 did not grant the federal government control over slavery. Even though Congress also voted to forbid the import of slaves in 1807, the United States did not officially abolish slav-

ery until 1865, when the Thirteenth Amendment to the Constitution was ratified. Moreover, the status of free blacks actually declined in many states after 1776, reaching its nadir in the notorious *Dred Scott* case of 1857, when the U.S. Supreme Court declared that neither slaves nor free blacks were citizens. *Dred Scott* was only overturned in 1868 when the Fourteenth Amendment to the U.S. Constitution was ratified, guaranteeing that "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."<sup>16</sup>

Abolitionists in France followed the English lead by setting up a sister society in 1788 modeled on the British Society for the Abolition of the Slave Trade. Lacking broad backing, the French Society of the Friends of Blacks might have foundered had it not been for the events of 1789 that put them in the spotlight. The opinions of the Friends of Blacks could not be ignored because among their prominent members were Brissot, Condorcet, Lafayette, and abbé Baptiste-Henri Grégoire, all well-known campaigners for human rights in other arenas. Grégoire, a Catholic clergyman from Lorraine, had argued even before 1789 for relaxation of restrictions against the Jews in eastern France, and in 1789 he published a pamphlet advocating equal rights for free men of color. He drew attention to the burgeoning racism of the white colonists. "The whites," he maintained, "having might on their side, have pronounced unjustly that a darkened skin excludes one from the advantages of society."<sup>17</sup>

Still, the granting of rights to free blacks and mulattoes and the abolition of slavery hardly proceeded by acclamation. The abolitionists were vastly outnumbered in the new National Assembly by those who feared tampering with the slave system and the immense riches it brought to France. The white planters



and merchants of the Atlantic port cities generally succeeded in portraying the Friends of Blacks as zealots intent on fomenting slave insurrection. On March 8, 1790, the deputies voted to exclude the colonies from the constitution and therefore from the Declaration of the Rights of Man and Citizen. The spokesman for the colonial committee, Antoine Barnave, explained that "the rigorous and universal application of general principles cannot be suitable for [the colonies] . . . the difference in places, mores, climate, and products seemed to us to require a difference in laws." The decree also made it a crime to incite unrest in the colonies.<sup>18</sup>

Despite this refusal, talk of rights made its way ineluctably down the social scale in the colonies. It began at the top with the white planters of the biggest and richest colony, Saint Domingue (now Haiti). In mid-1788, they demanded reforms in colonial trade and representation at the upcoming Estates-General. Before long, they threatened to demand independence, like the North Americans, if the national government tried to interfere with the slave system. Lower-class whites, on the other hand, expected the Revolution in France to bring them redress against the wealthier whites who had no desire to share political power with mere artisans and shopkeepers.

Far more dangerous to the continuation of the status quo were the rising demands of free blacks and mulattoes. Excluded by royal decree from practicing most professions or even from taking the names of white relatives, free people of color nonetheless owned considerable property: one third of the plantations and one fourth of the slaves in Saint Domingue, for example. They wanted to be treated equally with whites even while maintaining the slave system. One of their delegates to Paris in 1789, Vincent Ogé, tried to win over the white planters by emphasizing

ing their common interests as plantation owners: "We will see blood flowing, our lands invaded, the objects of our industry ravaged, our homes burnt . . . the slave will raise the standard of revolt." His solution was to grant equal rights to free men of color like himself, who would then help contain the slaves, at least for the time being. When his appeal to the white planters failed and the support of the Friends of Blacks proved equally unavailing, Ogé went back to Saint Domingue and in the fall of 1790 raised a revolt of the free men of color. It failed, and he was broken on the wheel.<sup>19</sup>

Support for the rights of free men of color did not stop there, however. Back in Paris, continuing agitation by the Friends of Blacks won a decree in May 1791 granting political rights to all free men of color born of free mothers and fathers. After the slaves of Saint Domingue rebelled in August 1791, the deputies rescinded even this highly restrictive decree, only to pass a more generous one in April 1792. It is not surprising that the deputies would act in a confused fashion, for the situation on the ground in the colonies was bewildering. The slave revolt that began in mid-August 1791 had drawn as many as 10,000 insurgents by the end of the month, a number that continued to grow by leaps and bounds. Armed bands of slaves massacred whites and burned down the sugar cane fields and the plantation houses. Planters immediately blamed the Friends of Blacks and the spread of "commonplaces about the Rights of Man."<sup>20</sup>

Where would the free coloreds position themselves in this struggle? They had served in the militias charged with capturing runaway slaves and sometimes owned slaves themselves. In 1789, the Friends of Blacks had portrayed them both as a bulwark against potential slave uprising and as mediators in any coming abolition of slavery. Now the slaves had risen. Having

initially rejected the view of the Friends of Blacks, increasing numbers of deputies in Paris desperately began to endorse it in early 1792. They hoped that the free men of color might ally with French forces and lower-class whites against both the planters and the slaves. A former noble naval officer and plantation owner among the deputies laid out the argument: "This class [poor whites] is reinforced by that of the property-owning free men of color; this is the party of the National Assembly in this island. . . . The fears of our colonists [white planters] are therefore well-founded in that they have everything to fear from the influence of our Revolution on their slaves. The rights of man overturn the system on which rests their fortunes. . . . Only by changing their principles will [the colonists] save their lives and their fortunes." Deputy Armand-Guy Kersaint went on to argue for the gradual abolition of slavery itself. In fact, free blacks and mulattoes played an ambiguous role throughout the slave uprising, sometimes allying with whites against the slaves, sometimes allying with the slaves against the whites.<sup>21</sup>

Once again, the potent combination of theory (declaring rights) and practice (in this case outright revolt and rebellion) forced the hand of the legislators. As Kersaint's argument showed, the rights of man were unavoidably part of the discussion, even in the Assembly that had declared them inapplicable to the colonies. Events pushed the deputies to recognize their applicability in places and in regard to groups they had originally hoped to exclude from them. Those who opposed granting rights to free men of color agreed on one central point with those who supported according those rights: the rights of free men of color could not be separated from consideration of the slave system itself. Once those rights had been acknowledged, the next step became that much more inevitable.

By the summer of 1793, the French colonies were in total upheaval. A republic had been declared in France and war now pitted the new republic against Britain and Spain in the Caribbean. White planters sought alliances with the British. Some of the rebellious slaves of Saint Domingue joined with the Spanish, who controlled the eastern half of the island, Santo Domingo, in exchange for promises of freedom for themselves. But Spain had no intention of abolishing slavery. In August 1793, facing a total breakdown of French authority, two commissioners sent from France began offering emancipation to slaves who fought for the French Republic and then to their families as well. In addition, they promised concessions of land. By the end of the month they were offering freedom to entire provinces. The decree emancipating the slaves of the north opened with Article 1 of the Declaration of the Rights of Man and Citizen, "Men are born and live free and equal in rights." Although initially fearful of a British plot to undermine French power by freeing the slaves, the deputies back in Paris voted to abolish slavery in all the colonies in February 1794. They acted as soon as they heard firsthand reports from three men—a white, a mulatto, and a freed slave—sent from Saint Domingue to explain the necessity of emancipation. In addition to "the abolition of Negro slavery in all the colonies," the deputies decreed "that all men, without distinction of color, residing in the colonies, are French citizens and will enjoy all the rights assured by the constitution."<sup>22</sup>

Was the abolition of slavery an act of pure enlightened altruism? Hardly. The continuing revolt of the slaves in Saint Domingue and its conjunction with war on many fronts left the commissioners, and therefore the deputies back in Paris, little choice, if they wanted to hold on to any portion of their island colony. Yet, as the actions of the British and Spanish revealed,

much room remained for maneuvering to keep slavery in place; they could promise piecemeal emancipation to those who came over to their side without offering the general abolition of slavery. But the propagation of "the rights of man" made maintaining slavery much more difficult for the French. As the discussion of rights spread in France, it undercut the legislature's attempt to keep the colonies outside the constitution, even as it ineluctably galvanized the free men of color and slaves themselves to make new demands and fight fiercely for them. From the very beginning, the planters and their allies perceived the threat. The colonial deputies in Paris wrote home secretly to instruct their friends to "keep a watch on persons and things; arrest suspects; seize any writings where even the word 'liberty' is pronounced." While the slaves might not have understood all the fine points of the doctrine of the rights of man, the words themselves came to have an undeniably talismanic effect. The ex-slave Toussaint-Louverture, soon to be leader of the revolt, proclaimed in August 1793 that "I want Liberty and Equality to reign in Saint Domingue. I work to bring them into existence. Unite yourselves to us, brothers [fellow insurgents], and fight with us for the same cause." Without the initial declaration, the abolition of slavery in 1794 would have remained inconceivable.<sup>23</sup>

In 1802, Napoleon sent a huge expeditionary force from France to capture Toussaint-Louverture and reestablish slavery in the French colonies. Transported back to France, Toussaint died in a cold prison, eulogized by William Wordsworth and celebrated by abolitionists everywhere. Wordsworth embraced Toussaint's zeal for freedom:

*Though fallen thyself, never to rise again,  
Live, and take comfort. Thou hast left behind  
Powers that will work for thee; air, earth, and skies;*

*There's not a breathing of the common wind  
That will forget thee; thou hast great allies;  
Thy friends are exultations, agonies,  
And love, and man's unconquerable mind.*

Napoleon's action retarded the definitive abolition of slavery in the French colonies until 1848, when a second republic came to power. Yet he did not succeed in turning back the clock all the way. The slaves of Saint Domingue refused to accept their lot and successfully held out against Napoleon's armies until the French withdrew, leaving behind the first nation led by freed slaves, the independent state of Haiti. Of the 60,000 French, Swiss, German, and Polish soldiers sent to the island, only a few thousand returned back across the ocean. The others had fallen in ferocious combat or to yellow fever, which carried away thousands, including the commander in chief of the expeditionary forces. Even in the colonies where slavery was successfully restored, however, the taste of freedom was not forgotten. After the revolution of 1830 in France replaced the ultra-conservative monarchy, an abolitionist visited Guadeloupe and reported the reaction of the slaves to his tricolor flag, adopted by the republic in 1794. "Glorious sign of our emancipation, we salute you!" shouted fifteen or twenty slaves. "Hello, benevolent flag, which comes to announce from across the seas the triumph of our friends and the hours of our deliverance."<sup>24</sup>

### *Declaring the Rights of Women*

Although the deputies could agree—under pressure—that the declaration of rights applied to "all men, without distinction of color," only a handful could bring themselves to say that it

applied to women, too. Nevertheless, women's rights did come up for discussion and the deputies extended women's civil rights in important new directions. Girls gained the right to equal inheritance with their brothers, and wives won the right to divorce on the same grounds as their husbands. Divorce had not been allowed under French law before its enactment in 1792. The restored monarchy abrogated divorce in 1816, and divorce was not reinstated until 1884, and even then it came with more restrictions than had applied in 1792. Given women's universal exclusion from political rights in the eighteenth century and for most of human history—women did not gain the right to vote in national elections anywhere in the world before the end of the nineteenth century—it is more surprising that women's rights were even discussed in the public arena than that women ultimately did not gain them.

The rights of women clearly ranked lower on the "conceivability" scale than those of other groups. The "woman question" came up periodically in Europe during the seventeenth and eighteenth centuries, especially in regard to women's education, or lack thereof, but the rights of women had not been the focus of sustained discussion in the years leading to either the American or French Revolution. In contrast to French Protestants, Jews, or even slaves, women's status had not been the subject of pamphlet wars, public essay contests, government commissions, or specially organized advocacy organizations, such as the Friends of Blacks. This neglect may have been due to the fact that women were not a persecuted minority. They were oppressed by our standards, and oppressed because of their sex, but they were not a minority and certainly no one was trying to get them to change their identity, as with Protestants or Jews. If some likened their lot to slavery, few pushed the analogy beyond the

realm of metaphor. Laws limited women's rights, to be sure, but women did have some rights, unlike slaves. Women were thought to be morally, if not intellectually, dependent on their fathers and husbands, but they were not imagined as devoid of autonomy; indeed, their penchant for autonomy required constant vigilance by supposed authorities of all sorts. Nor were they voiceless, even in political affairs; demonstrations and riots over the price of bread repeatedly demonstrated that truth before and during the French Revolution.<sup>25</sup>

Women simply did not constitute a clearly separate and distinguishable *political* category before the Revolution. The example of Condorcet, the most outspoken male defender of the political rights of women during the Revolution, is telling. As early as 1781, he published a pamphlet calling for the abolition of slavery. In a list that included proposed reforms for peasants, Protestants, and the criminal justice system, as well as establishing free trade and inoculating for smallpox, women were not mentioned. They only became an issue for this human rights pioneer a full year after the Revolution began.<sup>26</sup>

Although a few women voted by proxy in the elections for the Estates-General and a small number of deputies thought that women, or at least property-owning widows, might gain the vote in the future, women as such, that is as a potential rights category, appeared not at all in the discussions of the National Assembly between 1789 and 1791. The alphabetical table of the massive *Archives parlementaires* cites "women" only twice, in one case a group of Breton women requesting to take a civic oath and in the other a group of Parisian women sending an address. In contrast, the Jews came up for direct discussion by the deputies on at least seventeen different occasions. By the end of 1789, actors, executioners, Protestants, Jews, free blacks, and

even poor men could be imagined as citizens by at least some substantial number of deputies. Despite this continual recalibration of the conceivability scale, equal rights for women remained unimaginable to almost everyone, men and women alike.<sup>27</sup>

Yet even here the logic of rights worked its way, however spasmodically. In July 1790, Condorcet shocked his readership with a startling newspaper editorial, "On the Admission of Women to the Rights of Citizenship." In it he made explicit the rationale for human rights that had been steadily developing in the second half of the eighteenth century: "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." Did women not have the same characteristics? "Since women have the same qualities," he insisted, "they necessarily have equal rights." Condorcet drew the logical conclusion that his fellow revolutionaries had so much trouble deriving for themselves: "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."

Here was the modern philosophy of human rights in its pure form, clearly articulated. The particularities of humans (other perhaps than age, children not yet being able to reason on their own) should not weigh in the balance, even of political rights. Condorcet also explained why so many women, as well as men, had accepted in unquestioning fashion the unjustifiable subordination of women. "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." He dared his readers to acknowledge

that women had always had rights and that social custom had blinded them to this fundamental truth.<sup>28</sup>

In September 1791, the antislavery playwright Olympe de Gouges turned the Declaration of the Rights of Man and Citizen inside out. Her Declaration of the Rights of Woman insisted that "Woman is born free and remains equal to man in rights" (Article 1). "All citizenesses and citizens, being equal in its [the law's] 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" (Article 6). The inversion of the language of the official 1789 declaration hardly seems shocking to us now, but it surely did then. In England, Mary Wollstonecraft did not go as far as her French counterparts in demanding absolutely equal political rights for women, but she wrote at much greater length and with searing passion about the ways education and tradition had stunted women's minds. In *Vindication of the Rights of Woman*, published in 1792, she linked the emancipation of women to the explosion of all forms of hierarchy in society. Like de Gouges, Wollstonecraft suffered public vilification for her boldness. De Gouges's fate was even worse, for she went to the guillotine, condemned as an "impudent" counterrevolutionary and unnatural being (a "woman-man").<sup>29</sup>

Once the momentum got going, women's rights were not limited to the publications of a few pathbreaking individuals. Between 1791 and 1793, women set up political clubs in at least fifty provincial towns and cities as well as in Paris. Women's rights came up for debate in the clubs, in newspapers, and in pamphlets. In April 1793, during the consideration of citizenship under a proposed new constitution for the republic, one deputy argued at length in favor of equal political rights for women. His

intervention showed that the idea had gained some adherents. "There is no doubt a difference," he granted, "that of the sexes . . . but I do not conceive how a sexual difference makes for one in the equality of rights. . . . Let us liberate ourselves rather from the prejudice of sex, just as we have freed ourselves from the prejudice against the color of Negroes." The deputies did not follow his lead.<sup>30</sup>

Instead, in October 1793, the deputies moved against women's clubs. Reacting to street fights among women over the wearing of revolutionary insignia, the Convention voted to suppress all political clubs for women on the grounds that such clubs only diverted them from their appropriate domestic duties. According to the deputy who presented the decree, women did not have the knowledge, application, devotion, or self-abnegation required for governing. They should stick with "the private functions to which women are destined by nature itself." The rationale hardly sounded new notes; what was new was the need to come out and forbid women from forming and attending political clubs. Women may have come up least and last, but their rights did eventually make the agenda, and what was said about them in the 1790s—especially in favor of rights—had an impact that has lasted down to the present.<sup>31</sup>

The logic of rights had pushed even women's rights out from the obscuring fog of habit, at least in France and England. In the United States, the neglect of women's rights attracted relatively little public discussion before 1792, and no American writings appeared in the revolutionary era that can be compared to those of Condorcet, Olympe de Gouges, or Mary Wollstonecraft. Before the publication of Wollstonecraft's *Vindication of the Rights of Woman* in 1792, in fact, the concept of women's rights got virtually no hearing in either England or America. Woll-

stonecraft herself had developed her influential notions on the subject in direct response to the French Revolution. In her first work on rights in 1790, *Vindication of the Rights of Men*, she replied to Burke's denunciations of the French rights of man. That led her to consider, in turn, the rights of woman.<sup>32</sup>

If we look beyond the official proclamations and decrees of male politicians, the change in expectations about women's rights is more striking. Surprisingly, for example, Wollstonecraft's *Vindication of the Rights of Woman* could be found in more private American libraries of the early republic than Paine's *Rights of Man*. Though Paine himself paid no attention to women's rights, others did. Early in the nineteenth century, debating societies, graduation addresses, and popular magazines in the United States regularly addressed the gender assumptions behind male suffrage. In France, women seized upon the new openings in publishing created by freedom of the press to write more books and pamphlets than ever before. Women's right to equal inheritance prompted countless lawsuits, as women determined to hold on to what was now rightfully theirs. Rights were not an all-or-nothing proposition, after all. New rights, even if they were not political rights, opened the way to new opportunities for women, and women took them up immediately. As the previous actions of Protestants, Jews, and free men of color had already shown, citizenship is not just something to be granted by the authorities; it is something to be grasped for oneself. One measure of moral autonomy is that capacity to argue, to insist, and, for some, to fight.<sup>33</sup>

After 1793, women found themselves more constrained in the official world of French politics. Yet the promise of rights had not been completely forgotten. In a long review published in 1800 of Charles Thérémin's *On the Condition of Women in Republics*, the poet and playwright Constance Pipelet (later

known as Constance de Salm) showed that women had not lost sight of the goals first enunciated in the early years of the Revolution:

One can understand that [under the Ancien Régime] one did not believe it necessary to assure one half of humankind one half of the rights attached to humanity, but it would be more difficult to understand that one could have entirely neglected to recognize [the rights] of women during the last ten years, in those moments when the words equality and liberty have resounded everywhere, in those moments when philosophy, aided by experience, ceaselessly enlightens man about his true rights.

She attributed this neglect of the rights of women to the fact that the male masses easily believed that limiting or even annihilating the power of women would increase the power of men. In her review, Pipelet cited the work of Wollstonecraft on the rights of women, but she did not claim for women the right to vote or hold office.<sup>34</sup>

Pipelet demonstrated a subtle understanding of the tension between the revolutionary logic of rights and the continuing constraints of custom. "It is especially during the revolution . . . that women, following the example of men, have most reasoned about their true essence and have acted in consequence." If obscurity or ambiguity remained on the subject of women's rights (and Pipelet struck a very tentative tone in many of her passages), then it was because the Enlightenment had not progressed far enough; the common people and especially ordinary women remained uneducated. As women gained education, they

would inevitably demonstrate their talents, for merit has no sex, Pipelet asserted. She agreed with Thérémin that women should be employed as schoolteachers and be allowed to defend their "natural and inalienable rights" in the courts.

If Pipelet herself stopped short of advocating full political rights for women, she was only responding to what she saw as possible—imaginable, arguable—in her own day. But like many others, she saw that the philosophy of natural rights had an implacable logic, even if it had not yet worked itself out in the case of women, that other half of humanity. The notion of "the rights of man," like revolution itself, opened up an unpredictable space for discussion, conflict, and change. The promise of those rights can be denied, suppressed, or just remain unfulfilled, but it does not die.