

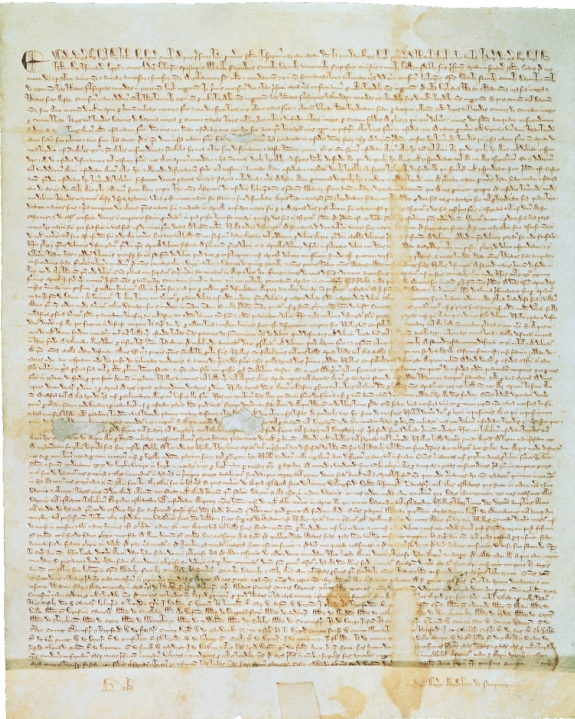
A BRIEF HISTORY OF BILLS OF RIGHTS

IHS “Liberty and Society” Summer Seminar 2011 Dr. David M. Hart

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Historical Examples of Bills of Rights & their Critics

- i. Code of Urukagina (2350 BC) - [Not available]
- ii. [p. 3] Magna Carta (1215) - *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002). < <http://oll.libertyfund.org/title/669/206107> >
- iii. [p. 6] An Agreement of the People (1647) - *Leveller Manifestoes of the Puritan Revolution*. Edited, with introduction and commentaries by Don M. Wolfe, Foreword by Charles A. Beard (1944) (New York: Humanities Press, 1967), pp. 226-228.
- iv. [p. 9] Virginia Bill of Rights (1776) - *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002). <<http://oll.libertyfund.org/title/669/206142>>
- v. [p. 11] Declaration of the Rights of Man & of the Citizen (1789) - <<http://homepage.mac.com/dmhart/Teaching/2003/BillsOfRights20032005/Docs/France1789.html>>
- vi. [p. 13] Olympe de Gouges, “Declaration of the Rights of Woman & Citizen” (1791) - *Women, the Family, and Freedom: The Debate in Documents*, ed. Susan Groag Bell and Karen M. Offen (Stanford University Press, 1982), pp. 104-107.
- vii. [p. 15.] Declaration of Independence (1776) & the First 10 Amendments (1791) - *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty Fund, 2002). <<http://oll.libertyfund.org/title/669/206152>>
- viii. [p. 18] Frederick Douglass, “Fourth of July Oration” (1852) - *What Country have I? Political Writings by Black Americans*, ed. Herbert J. Storing (New York: St. Martin’s Press, 1970), pp. 30-35.



A Paris, chez les Citoyens, Libraires et Papeteriers, au Salon, le 17 de Juin de l'Année N^o 25.



IN CONGRESS, JULY 4, 1776.

A DECLARATION

BY THE REPRESENTATIVES OF THE
UNITED STATES OF AMERICA,
IN GENERAL CONGRESS ASSEMBLED.

WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal; that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Tyranny, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such has now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States.

To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of Invasion from without, and Confusion within.

He has endeavored to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migration hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Power.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the Consent of our Legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

- For quartering large Bodies of Armed Troops among us;
- For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States;
- For cutting off our Trade with all Parts of the World;
- For imposing Taxes on us without our Consent;
- For depriving us, in many Cases, of the Benefits of Trial by Jury;
- For transporting us beyond Seas to be tried for pretended Offences;
- For abolishing the former System of English Laws in a neighboring Province, establishing therein a military Government, and enlarging its Boundaries, so as to render it at once an Example and a Incentive to Tyranny;
- For suspending our own Legislatures, and declaring themselves the sole and exclusive Legislators in these Colonies;
- For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;
- For abolishing Government here, by declaring us out of his Protection and support, and waging War against us;
- For abolishing our own Legislatures, and declaring themselves the sole and exclusive Legislators in these Colonies;
- For plundering our Seas, ravaging our Coasts, burning our Towns, and destroying the Lives of our People;
- For plundering our Colonies, and carrying away the most valuable Part of the Produce, and totally annihilating the Habits of a civilized Nation.

He is, at this Time, transporting large Armies of foreign Mercenaries to complete the Works of Death, Destruction, and Tyranny, already begun with circumstances of Cruelty and Partiality, scarcely parallelled in the most barbarous Age, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Colonists to bear Arms against their Brethren, to become the Executioners of their Friends and Neighbors.

Magna Charta

1215

Magna Charta was the result of victory on the battlefield by barons (local lords) opposed to England's King John. Negotiated in the days following the battle at Runnymede, it was no theoretical document. It lists numerous specific, customary rights that the barons asserted they had held from time immemorial, but that John had violated. Among these were the rights to be taxed only at certain times and under certain conditions, and to be tried by a jury of one's peers. Following the preamble, Magna Charta begins by outlining the rights of the church. John had fought, as had many kings before him, to reserve for himself the right to appoint bishops. The Catholic Church and other opponents of unlimited royal power responded that the servants of God must be independent from service to the temporal authority.

Magna Charta

The great charter of King John, granted June 15, A.D. 1215. John, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitaine, and Count of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects, greeting. Know ye, that we, in the presence of God, and for the salvation of our soul, and the souls of all our ancestors and heirs, and unto the honour of God and the advancement of Holy Church, and amendment of our Realm, by advice of our venerable Fathers, Stephen, Archbishop of Canterbury, Primate of all England and Cardinal of the Holy Roman Church; Henry, Archbishop of Dublin; William, of London; Peter, of Winchester; Jocelin, of Bath and Glastonbury; Hugh, of Lincoln; Walter, of Worcester; William, of Coventry; Benedict, of Rochester—Bishops; of Master Pandulph, Sub-Deacon and Familiar of our Lord the Pope; Brother Aymeric, Master of the Knights-Templar in England; and the noble Persons, William Marescall, Earl of Pembroke; William, Earl of Salisbury; William, Earl of Warren; William, Earl of Arundel; Alan de Galloway, Constable of

Scotland; Warin FitzGerald, Peter FitzHerbert, and Hubert de Burgh, Seneschal of Poitou; Hugh de Neville, Matthew FitzHerbert, Thomas Basset, Alan Basset, Philip of Albiney, Robert de Roppell, John Mareschal, John Fitz-Hugh, and others, our liegemen, have, in the first place, granted to God, and by this our present Charter confirmed, for us and our heirs for ever:

1. *Rights of the church.* That the Church of England shall be free, and have her whole rights, and her liberties inviolable; and we will have them so observed that it may appear thence that the freedom of elections, which is reckoned chief and indispensable to the English Church, and which we granted and confirmed by our Charter, and obtained the confirmation of the same from our Lord and Pope Innocent III, before the discord between us and our barons, was granted of mere free will; which Charter we shall observe, and we do will it to be faithfully observed by our heirs for ever.

2. *Grant of liberty to freemen.* We also have granted to all the freemen of our kingdom, for us and for our heirs for ever, all the underwritten liberties, to be had and holden by them and their heirs, of us and our heirs for ever: If any of our earls, or barons, or others, who hold of us in chief by military service, shall die, and at the time of his death his heir shall be of full age, and owe a relief, he shall have his inheritance by the ancient relief—that is to say, the heir or heirs of an earl, for a whole earldom, by a hundred pounds; the heir or heirs of a baron, for a whole barony, by a hundred pounds; their heir or heirs of a knight, for a whole knight's fee, by a hundred shillings at most; and whoever oweth less shall give less according to the ancient custom of fees. . . .

12. *No tax (scutage) except by the general council.* No scutage or aid shall be imposed in our kingdom, unless by the general council of our kingdom; except for ransoming our person, making our eldest son a knight, and once for marrying our eldest daughter; and for these there shall be paid no more than a reasonable aid. In like manner it shall be concerning the aids of the City of London.

13. *Liberties of London and other towns.* And the City of London shall have all its ancient liberties and free customs, as well by land as by water; furthermore, we will and grant that all other cities and boroughs, and towns and ports, shall have all their liberties and free customs.

14. *General council shall consent to assessment of taxes.* And for holding the general council of the kingdom concerning the assessment of aids, except in the three cases aforesaid, and for the assessing of scutages, we shall cause to be summoned the archbishops, bishops, abbots, earls, and greater barons of the realm, singly by our letters, and furthermore, we shall cause to be summoned generally, by our sheriffs and bailiffs, all others who hold of us in chief, for a certain day, that is to say, forty days before their meeting at least, and to a certain place; and in all letters of such summons we will declare the cause of such summons, and, summons being thus made the business shall proceed on the day appointed, according to the advice of such as shall be present, although all that were summoned come not. . . .

17. *Courts shall administer justice in a fixed place.* Common pleas shall not follow our court, but shall be holden in some place certain.

18. *Land disputes shall be tried in their proper counties.* Trials upon the Writs of Novel Disseisin, and of Mort d'ancestor, and of Darrein Presentment, shall not be taken but in their proper counties, and after this manner: We, or if we should be out of the realm, our chief justiciary, will send two justiciaries through every county four times a year, who, with four knights of each county, chosen by the county, shall hold the said assizes in the county, on the day, and at the place appointed.

19. *Keeping the assize courts open.* And if any matters cannot be determined on the day appointed for holding the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid shall stay to decide them as is necessary, according as there is more or less business.

20. *Fines against freemen to be measured by the offense.* A freeman shall not be amerced for a small offence, but only according to the degree of the offence; and for a great crime according to the heinousness of it, saving to him his contentment; and after the same manner a merchant, saving to him his merchandise. And a villein shall be amerced after the same manner, saving to him his wainage, if he falls

under our mercy; and none of the aforesaid americiaments shall be assessed but by the oath of honest men in the neighbourhood.

21. *Same for nobles.* Earls and barons shall not be amerced but by their peers, and after the degree of the offence.

22. *Same for clergymen.* No ecclesiastical person shall be amerced for his tenement, but according to the proportion of the others aforesaid, and not according to the value of his ecclesiastical benefice.

23. Neither a town nor any tenant shall be distrained to make bridges or embankments, unless that anciently and of right they are bound to do it.

24. No sheriff, constable, coroner, or other of our bailiffs, shall hold "Pleas of the Crown."

25. All counties, hundreds, wapentakes, and trethings, shall stand at the old rents, without any increase, except in our demesne manors.

26. If any one holding of us a lay fee die, and the sheriff, or our bailiffs, show our letters patent of summons for debt which the dead man did owe to us, it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the dead, found upon his lay fee, to the amount of the debt, by the view of lawful men, so as nothing be removed until our whole clear debt be paid; and the rest shall be left to the executors to fulfil the testament of the dead; and if there be nothing due from him to us, all the chattels shall go to the use of the dead, saving to his wife and children their reasonable shares.

27. If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the Church, saving to every one his debts which the deceased owed to him.

28. *Compensation for the taking of private property.* No constable or bailiff of ours shall take corn or other chattels of any man unless he presently give him money for it, or hath respite of payment by the good-will of the seller.

29. No constable shall distrain any knight to give money for castle-guard, if he himself will do it in his person, or by another able man, in case he cannot do it through any reasonable cause. And if we have carried or sent him into the army, he shall be free from such guard for the time he shall be in the army by our command.

30. *No taking of horses or carts without consent.* No sher-

iff or bailiff of ours, or any other, shall take horses or carts of any freeman for carriage, without the assent of the said freeman.

31. *No taking of trees for timber without consent.* Neither shall we nor our bailiffs take any man's timber for our castles or other uses, unless by the consent of the owner of the timber.

32. We will retain the lands of those convicted of felony only one year and a day, and then they shall be delivered to the lord of the fee.

33. All kydells (weirs) for the time to come shall be put down in the rivers of Thames and Medway, and throughout all England, except upon the seacoast.

34. The writ which is called *proceipe*, for the future, shall not be made out to any one, of any tenement, whereby a freeman may lose his court.

35. *Uniform weights and measures.* There shall be one measure of wine and one of ale through our whole realm; and one measure of corn, that is to say, the London quarter; and one breadth of dyed cloth, and russets, and haberdashes, that is to say, two ells within the lists; and it shall be of weights as it is of measures.

36. *Nothing from henceforth shall be given or taken for a writ of inquisition of life or limb, but it shall be granted freely, and not denied.*

37. If any do hold of us by fee-farm, or by socage, or by burgage, and he hold also lands of any other by knight's service, we will have the custody of the heir or land, which is holden of another man's fee by reason of that fee-farm, socage, or burgage; neither will we have the custody of the fee-farm, or socage, or burgage, unless knight's service was due to us out of the same fee-farm. We will not have the custody of an heir, nor of any land which he holds of another by knight's service, by reason of any petty serjeanty by which he holds of us, by the service of paying a knife, an arrow, or the like.

38. No bailiff from henceforth shall put any man to his law upon his own bare saying, without credible witnesses to prove it.

39. *Guarantee of judgment by one's peers and of proceedings according to the "law of the land."* No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.

40. *Guarantee of equal justice (equality before the law).*

We will sell to no man, we will not deny or delay to any man, either justice or right.

41. *Freedom of movement for merchants.* All merchants shall have safe and secure conduct, to go out of, and to come into England, and to stay there and to pass as well by land as by water, for buying and selling by the ancient and allowed customs, without any unjust tolls; except in time of war, or when they are of any nation at war with us. And if there be found any such in our land, in the beginning of the war, they shall be attached, without damage to their bodies or goods, until it be known unto us, or our chief justiciary, how our merchants be treated in the nation at war with us; and if ours be safe there, the others shall be safe in our dominions.

42. *Freedom to leave and reenter the kingdom.* It shall be lawful, for the time to come, for any one to go out of our kingdom, and return safely and securely by land or by water, saving his allegiance to us; unless in time of war, by some short space, for the common benefit of the realm, except prisoners and outlaws, according to the law of the land, and people in war with us, and merchants who shall be treated as is above mentioned.

43. If any man hold of any escheat as of the honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which be in our hands, and are baronies, and die, his heir shall give no other relief, and perform no other service to us than he would to the baron, if it were in the baron's hand; and we will hold it after the same manner as the baron held it.

44. Those men who dwell without the forest from henceforth shall not come before our justiciaries of the forest, upon common summons, but such as are impleaded, or as sureties for any that are attached for something concerning the forest.

45. *Appointment of those who know the law.* We will not make any justices, constables, sheriffs, or bailiffs, but of such as know the law of the realm and mean duly to observe it.

46. All barons who have founded abbeys, which they hold by charter from the kings of England, or by ancient tenure, shall have the keeping of them, when vacant, as they ought to have.

47. All forests that have been made forests in our time shall forthwith be disforested; and the same shall be done with the water-banks that have been fenced in by us in our time.

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*An Agreement of the People, for a  
firme and present Peace, upon grounds  
of Common-Right.*

**H**Aving by our late labours and hazards made it appeare to the world at how high a rate wee value our just freedom, and God having so far owned our cause, as to deliver the Enemies thereof into our hands: We do now hold our selves bound in mutual duty to each other, to take the best care we can for the future, to avoid both the danger of returning into a slavish condition, and the chargable remedy of another war: for as it cannot be imagined that so many of our Country-men would have opposed us in this quarrel, if they had understood their owne good; so may we safely promise to our selves, that when our Common Rights and liberties shall be cleared, their endeavours will be disappointed, that seek to make themselves our Masters: since therefore our former oppressions, and scarce yet ended troubles have beene occasioned, either by want of frequent Nationall meetings in Councill, or by rendring those meetings ineffectuall; We are fully agreed and resolved, to provide that hereafter our Representatives be neither left to an uncertainty for the time, nor made uselesse to the ends for which they are intended: In order whereunto we declare,

I.

That the People of England being at this day very unequally distributed by Counties, Cities, & Burroughs, for the election of their Deputies in Parliament, ought to be more indifferently proportioned, according to the number of the Inhabitants: the circumstances whereof, for number, place, and manner, are to be set down before the end of this present Parliament.

II.

That to prevent the many inconveniences apparently arising from the long continuance of the same persons in authority, this

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present Parliament be dissolved upon the last day of September, which shall be in the year of our Lord, 1648.

## III.

That the People do of course chuse themselves a Parliament once in two yeares, viz. upon the first Thursday in every 2d. March, after the manner as shall be prescribed before the end of this Parliament, to begin to sit upon the first Thursday in Aprill following at Westminster, or such other place as shall bee appointed from time to time by the preceding Representatives; and to continue till the last day of September, then next ensuing, and no longer.

## IV.

That the power of this, and all future Representatives of this Nation, is inferiour only to theirs who chuse them, and doth extend, without the consent or concurrence of any other person or persons; to the enacting, altering, and repealing of Lawes; to the erecting and abolishing of Offices and Courts; to the appointing, removing, and calling to account Magistrates, and Officers of all degrees; to the making War and peace, to the treating with forraign States: And generally, to whatsoever is not expresly, or impliedly reserved by the represented to themselves.

*Which are as followeth,*

1. **T**Hat matters of Religion, and the wayes of Gods Worship, are not at all intrusted by us to any humane power, because therein wee cannot remit or exceed a tittle of what our Consciences dictate to be the mind of God, without wilfull sinne: neverthelesse the publike way of instructing the Nation (so it be not compulsive) is referred to their discretion.

2. That the matter of impresting and constraining any of us to serve in the warres, is against our freedome; and therefore we do not allow it in our Representatives; the rather, because money (the sinews of war) being alwayes at their disposall, they can never want numbers of men, apt enough to engage in any just cause.

3. That after the dissolution of this present Parliament, no person be at any time questioned for anything said or done, in reference to the late publike differences, otherwise then in execution of the Judgments of the present Representatives, or House of Commons.

4. That in all Laws made, or to be made, every person may

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be bound alike, and that no Tenure, Estate, Charter, Degree, Birth, or place, do confer any exemption from the ordinary Course of Legall proceedings, whereunto others are subjected.

5. That as the Laws ought to be equall, so they must be good, and not evidently destructive to the safety and well-being of the people.

*These things we declare to be our native Rights, and therefore are agreed and resolved to maintain them with our utmost possibilities, against all opposition whatsoever, being compelled thereunto, not only by the examples of our Ancestors, whose bloud was often spent in vain for the recovery of their Freedomes, suffering themselves, through fradulent accommodations, to be still deluded of the fruit of their Victories, but also by our own wofull experience, who having long expected, & dearly earned the establishment of these certain rules of Government are yet made to depend for the settlement of our Peace and Freedome, upon him that intended our bondage, and brought a cruell Warre upon us.*



For the noble and highly honoured the Free-born People of ENGLAND, in their respective Counties and Divisions, these.

*Deare Country-men, and fellow-Commoners,*

**F**Or your sakes, our friends, estates and lives, have not been deare to us; for your safety and freedom we have cheerfully indured hard Labours and run most desperate hazards, and in comparison to your peace and freedome we neither doe nor ever shall value our dearest bloud and wee professe, our bowells are and have been troubled, and our hearts pained within us, in seeing & considering that you have been so long bereaved of these fruites and ends of all our labours and hazards, wee cannot but sympathize with you in your miseries and oppressions. It's greife and vexation of heart to us; to receive your meate or moneyes, whilst you have no advantage, nor yet the foundations of your



# Virginia Bill of Rights

June 12, 1776

Opposition to Britain in the colonial legislatures was intense. The Bill of Rights passed by the Virginia House of Burgesses presents arguments foreshadowing the soon-to-be-issued Declaration of Independence, asserting colonists' equality with all other British subjects and calling on Parliament to recognize their inalienable rights.

## Virginia Bill of Rights

### *A Declaration of Rights*

Made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights to pertain to them and their posterity as the basis and foundation of government.

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amendable to them.

III. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when a government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which not

being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

V. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

VI. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community have the right of suffrage, and cannot be taxed, or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly

described and supported by evidence, are grievous and oppressive, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

XIV. That the people have a right to uniform government; and therefore, that no government separate from or independent of the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the duty of all to practice Christian forbearance, love and charity towards each other.

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**DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN (1789)**

Updated: May 9, 2004

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The document was written by The Marquis de Lafayette, with help from his friend and neighbor, American envoy to France, Thomas Jefferson.

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**DECLARATION OF THE RIGHTS OF MAN AND OF THE  
CITIZEN**

Approved by the National Assembly of France, August 26, 1789

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

Articles:

1. Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.
2. The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.
3. The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation.
4. Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights. These limits can only be determined by law.
5. Law can only prohibit such actions as are hurtful to society. Nothing may be prevented which is not forbidden by law, and no one may be forced to do

anything not provided for by law.

6. Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents.

7. No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law. Any one soliciting, transmitting, executing, or causing to be executed, any arbitrary order, shall be punished. But any citizen summoned or arrested in virtue of the law shall submit without delay, as resistance constitutes an offense.

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

9. As all persons are held innocent until they shall have been declared guilty, if arrest shall be deemed indispensable, all harshness not essential to the securing of the prisoner's person shall be severely repressed by law.

10. No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law.

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

12. The security of the rights of man and of the citizen requires public military forces. These forces are, therefore, established for the good of all and not for the personal advantage of those to whom they shall be intrusted.

13. A common contribution is essential for the maintenance of the public forces and for the cost of administration. This should be equitably distributed among all the citizens in proportion to their means.

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

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

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

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



tence is subject to countless evils, would have for her part all the difficulties of virtue?

Fathers of the country, do not stain your immortal work by such a measure. No doubt a moral code is necessary—but morals are the work of time and education. They cannot be commanded. License is the natural result of the oppressive regime of indissoluble marriage and of the dull, enervating education of the cloisters, the haunts of ignorance and fanaticism that you in your wisdom have destroyed. You will crown your work by according girls a moral education equal to that of their brothers, for education is to the soul what dew is to plants. It fertilizes, makes blossom, strengthens, and carries the seed productive of virtues and talents to perfect maturity.

Representatives of the nation, vote down this unjust and unseemly code, in the name of honor, in the name of holy liberty. It would become the apple of discord in families and the tomb of liberty. Constraint withers the soul; the slave thinks only of breaking his chains, of avenging his servitude. No doubt the committee, in order to justify this odious article, consulted the theologians and not the philosophers. Well then, consult your own hearts! They will instruct you more fully than will the maxims of the jurists of past centuries—these men steeped in despotism, who consider the barrenness of their souls a result of virtue. Nature created us to be your equals, your companions and your friends; we are the mainstays of your childhood, the happiness of your mature years, and the consolation of your old age, all honorable titles that you must surely acknowledge.

## 26. Olympe de Gouges (1791)

Man, are you capable of being just? It is a woman who asks you this question; at least you will not deny her this right. Tell me! Who has given you the sovereign authority to oppress my sex? Your strength? Your talents? Observe the creator in his wisdom; regard nature in all her grandeur, with which you seem to want to compare yourself; and give me, if you dare, an example of this tyrannical empire.\* Go back to the animals, consult the elements, study the plants, then glance over all the modifications of organized matter, and cede to the evidence when I offer you the means. Seek, search, and distinguish, if you can, the sexes in the administration of nature. Everywhere you will find them mingled, everywhere they cooperate in harmony with this immortal masterpiece.

Only man has fashioned himself a principle out of this exception. Bizarre, blind, bloated by science and degenerate, in this century of enlightenment and wisdom, he, in grossest ignorance, wishes to exercise the command of a despot over a sex that has received every intellectual faculty; he claims to rejoice in the Revolution and claims his rights to equality, at the very least.

\* From Paris to Peru, from Rome to Japan, the most stupid animal, in my opinion, is man.

## 26. Olympe de Gouges (1791)

### Declaration of the Rights of Woman and Citizen,

To be decreed by the National Assembly in its last meetings or in those of the next legislature.

#### PREAMBLE

The mothers, daughters, and sisters, representatives of the nation, demand to be constituted a national assembly. Considering that ignorance, disregard of or contempt for the rights of women are the only causes of public misfortune and of governmental corruption, they have resolved to set forth in a solemn declaration, the natural, inalienable and sacred rights of woman; to the end that this declaration, constantly held up to all members of society, may always remind them of their rights and duties; to the end that the acts based on women's power and those based on the power of men, being constantly measured against the goal of all political institutions, may be more respected; and so that the demands of female citizens, henceforth founded on simple and indisputable principles, may ever uphold the constitution and good morals, and may contribute to the happiness of all.

Consequently, the sex that is superior in beauty as well as in courage of maternal suffering, recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of woman and citizen.

Article One. Woman is born free and remains equal in rights to man. Social distinctions can be founded only on general utility.

II. The goal of every political association is the preservation of the natural and irrevocable rights of Woman and Man. These rights are liberty, property, security, and especially resistance to oppression.

III. The principle of all sovereignty resides essentially in the Nation, which is none other than the union of Woman and Man; no group, no individual can exercise any authority that is not derived expressly from it.

IV. Liberty and Justice consist of rendering to persons those things that belong to them; thus, the exercise of woman's natural rights is limited only by the perpetual tyranny with which man opposes her; these limits must be changed according to the laws of nature and reason.

V. The laws of nature and of reason prohibit all acts harmful to society; whatever is not prohibited by these wise and divine laws cannot be prevented, and no one can be forced to do anything unspecified by the law.

VI. The law should be the expression of the general will: all female and male citizens must participate in its elaboration personally or through their representatives. It should be the same for all; all female and male citizens, being equal in the eyes of the law, should be equally admissible to all public offices, places, and employments, according to their capacities and with no distinctions other than those of their virtues and talents.

VII. No woman is immune; she can be accused, arrested, and detained

in such cases as determined by law. Women, like men, must obey these rigorous laws.

VIII. Only punishments strictly and obviously necessary may be established by law. No one may be punished except under a law established and promulgated before the offense occurred, and which is legally applicable to women.

IX. If any woman is declared guilty, then the law must be enforced rigorously.

X. No one should be punished for their opinions. Woman has the right to mount the scaffold; she should likewise have the right to speak in public, provided that her demonstrations do not disrupt public order as established by law.

XI. Free communication of thoughts and opinions is one of the most precious rights of woman, since this liberty assures the legitimate paternity of fathers with regard to their children. Every female citizen can therefore freely say: "I am the mother of a child that belongs to you," without a barbaric prejudice forcing her to conceal the truth; she must also answer for the abuse of this liberty in cases determined by law.

XII. Guarantee of the rights of woman and female citizens requires the existence of public services. Such guarantee should be established for the advantage of everyone, not for the personal benefit of those to whom these services are entrusted.

XIII. For the maintenance of public forces and administrative expenses, the contributions of women and men shall be equal; the woman shares in all forced labor and all painful tasks, therefore she should have the same share in the distribution of positions, tasks, assignments, honors, and industry.

XIV. Female and male citizens have the right to determine the need for public taxes, either by themselves or through their representatives. Female citizens can agree to this only if they are admitted to an equal share not only in wealth but also in public administration, and by determining the proportion and extent of tax collection.

XV. The mass of women, allied for tax purposes to the mass of men, has the right to hold every public official accountable for his administration.

XVI. Any society in which the guarantee of rights is not assured, or the separation of powers determined, has no constitution. The constitution is invalid if the majority of individuals who compose the Nation have not cooperated in writing it.

XVII. The right of property is inviolable and sacred to both sexes, jointly or separately. No one can be deprived of it, since it is a true inheritance of nature except when public necessity, certified by law, clearly requires it, subject to just and prior compensation.

#### POSTAMBLE

Woman, wake up! The tocsin of reason is sounding throughout the Universe; know your rights. The powerful empire of nature is no longer surrounded by prejudices, fanaticism, superstition and lies. The torch of

truth has dispelled all the clouds of stupidity and usurpation. Man enslaved has multiplied his forces; he has had recourse to yours in order to break his own chains. Having become free, he has become unjust toward his mate. Oh Women! Women! when will you cease to be blind? What advantages have you gained in the Revolution? A more marked scorn, a more signal disdain. During centuries of corruption, you reigned only over the weakness of men. Your empire is destroyed; what then remains for you? The proof of man's injustice. The claim of your patrimony founded on the wise decrees of nature—what have you to fear from such a splendid enterprise? The good word of the legislator at the marriage of Canaan? Do you not fear that our French legislators, who are correcting this morality, which was for such a long time appended to the realm of politics but is no longer fashionable, will again say to you, "Women, what do we have in common with you?" You must answer, "Everything!" If, in their weakness, they are obstinate in drawing this conclusion contrary to their principles, you must courageously invoke the force of reason against their vain pretensions of superiority. Unite yourselves under the banner of philosophy; deploy all the energy of your character, and soon you will see these prideful ones, your adoring servants, no longer grovelling at your feet but proud to share with you the treasures of the Supreme Being. Whatever the obstacles that are put in your way, it is in your power to overturn them; you have only to will it. Let us turn now to the frightful picture of what you have been in society; and since there is currently a question of national education, let us see if our wise legislators will think wisely about the education of women.

Women have done more evil than good. They have had their share in coercion and double-dealings. When forcibly abused, they have countered with stratagems; they have had recourse to all the resources of their charms, and the most blameless among them has not hesitated to use them. They have used poison and irons; they have commanded crime and virtue alike. For centuries, the government of France in particular has depended on the nocturnal administration of women; the cabinet had no secrets from their indiscretion; embassy, military command, ministry, presidency, pontificate, cardinalate—one might say everything profane and sacred subject to the foolishness of man has been subordinated to the greed and ambition of the female sex, which was formerly contemptible and respected but, since the revolution, is respectable and yet contemptible.

What could I not say about this paradox! I have only a moment for offering a few remarks, but this moment will attract the attention of the most remote posterity. Under the Old Regime, all were vicious, all were guilty; but could one not perceive the improvement of things, even in the substance of vice? A woman needed only to be beautiful or lovable; when she possessed these two advantages, she saw a hundred fortunes at her feet. If she did not profit from this situation, she had either a bizarre character or a rare philosophy that led her to despise wealth; in such a case she was relegated to the status of a brainless person; the most indecent woman could make herself respected with enough gold; the buying and

# The Declaration of Independence

July 4, 1776

By the time the Continental Congress had decided to declare independence from Great Britain, armed conflict had been raging for more than a year. Soldiers on both sides were dying, and it was becoming increasingly clear that Parliament would not accede to American colonists' demands. Armed resistance would die out, however, without financial and material assistance—most prominently available from Britain's old enemy, France. In order to secure such aid, and to solidify support among opponents of parliamentary authority in America, the Continental Congress determined to officially declare the independence of the thirteen colonies from Great Britain. Jefferson's preamble to the Declaration, with its seemingly abstract statements of inalienable rights, is often quoted. Less quoted is the main body of the text, in which the Congress details the abuses committed by King George against his people in America. The charges are levelled against the king rather than Parliament. The principal reason for this is that Americans believed that their rights were secured through charters granted by the king. In the American view, it was the king alone, acting through colonial governments, through whom they were connected with the people and government of Great Britain.

## The Declaration of Independence

*In Congress, July 4, 1776,*

### The Unanimous Declaration of the Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Lib-

erty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for

Mr. LIVERMORE was not satisfied with that amendment; but he did not wish them to dwell long on the subject. He thought it would be better if it were altered, and made to read in this manner, that Congress shall make no laws touching religion, or infringing the rights of conscience.

Mr. GERRY did not like the term national, proposed by the gentleman from Virginia, and he hoped it would not be adopted by the House. It brought to his mind some observations that had taken place in the conventions at the time they were considering the present Constitution. It had been insisted upon by those who were called anti-federalists, that this form of Government consolidated the Union; the honorable gentleman's motion shows that he considers it in the same light. Those who were called anti-federalists at that time, complained that they had injustice done them by the title, because they were in favor of a Federal Government, and the others were in favor of a national one; the federalists were for ratifying the Constitution as it stood, and the others not until amendments were made. Their names then ought not to have been distinguished by federalists and anti-federalists, but rats and anti-rats.

Mr. MADISON withdrew his motion, but observed that the words "no national religion shall be established by law," did not imply that the Government was a national one; the question was then taken on Mr. LIVERMORE's motion, and passed in the affirmative, thirty-one for, and twenty against it.

## The First Ten Amendments to the Constitution, or the Bill of Rights

*Articles in Addition to, and Amendment of, the Constitution of the United States of America, Proposed by Congress, and Ratified by the Legislatures of the Several States, Pursuant to the Fifth Article of the Original Constitution*

### Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Amendment V

No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offenses to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.



#### Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

#### Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

abyss-sweeping wind, the sad tale of departed glory. As with rivers so with nations.

Fellow Citizens, I am not wanting in respect for the fathers of this republic. The signers of the Declaration of Independence were brave men. They were great men too—great enough to give fame to a great age. It does not often happen to a nation to raise, at one time, such a number of truly great men. The point from which I am compelled to view them is not, certainly the most favorable; and yet I cannot contemplate their great deeds with less than admiration. They were statesmen, patriots and heroes, and for the good they did, and the principles they contended for, I will unite with you to honor their memory.

They loved their country better than their own private interests; and, though this is not the highest form of human excellence, all will concede that it is a rare virtue, and that when it is exhibited, it ought to command respect. He who will, intelligently, lay down his life for his country, is a man whom it is not in human nature to despise. Your fathers staked their lives, their fortunes, and their sacred honor, on the cause of their country. In their admiration of liberty, they lost sight of all other interests.

They were peace men; but they preferred revolution to peaceful submission to bondage. They were quiet men; but they did not shrink from agitating against oppression. They showed forbearance; but that they knew its limits. They believed in order; but not in the order of tyranny. With them, nothing was “settled” that was not right. With them, justice, liberty and humanity were “final;” not slavery and oppression. You may well cherish the memory of such men. They were great in their day and generation. Their solid manhood stands out the more as we contrast it with these degenerate times.

How circumspect, exact and proportionate were all their movements! How unlike the politicians of an hour! Their statesmanship looked beyond the passing moment, and stretched away in strength into the distant future. They seized upon eternal principles, and set a glorious example in their defence. Mark them!

Fully appreciating the hardships to be encountered, firmly believing in the right of their cause, honorably inviting the scrutiny of an on-looking world, reverently appealing to heaven to attest their sincerity, soundly comprehending the solemn responsibility they were about to assume, wisely measuring the terrible odds against them, your fathers, the fathers of this republic, did, most deliberately, under the inspiration of a glorious patriotism, and with a sublime faith in the great principles of justice and freedom, lay deep, the corner-stone of the national superstructure, which has risen and still rises in grandeur around you.

Of this fundamental work, this day is the anniversary. Our eyes are met with demonstrations of joyous enthusiasm. Banners and pennants wave exultingly on the breeze. The din of business, too, is hushed. Even mammon seems to have quitted his grasp on this day. The ear-piercing rife and the stirring drum unite their accents with the ascending peal of a thousand church bells. Prayers are made, hymns are sung, and sermons are preached in honor of this day; while the quick martial tramp of a great and multitudinous nation, echoed back by all the hills, valleys and mountains of a vast continent, bespeak the occasion one of thrilling and universal interest—a nation's jubilee.

My business, if I have any here to-day, is with the present. The accepted time with God and his cause is the ever-living now.

Trust no future, however pleasant,

Let the dead past bury its dead;

Act, act in the living present,

Heart within, and God overhead.

We have to do with the past only as we can make it useful to the present and to the future. To all inspiring motives, to noble deeds which can be gained from the past, we are welcome. But now is the time, the important time. Your fathers have lived, died, and have done their work, and have done much of it well. You live and must die, and you must do your work. You have no right to enjoy a child's share in the labor of your fathers, unless your children are to be blest by your labors. You have no right to wear out and waste the hard-earned fame of your fathers to cover your indolence.

Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here to-day? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? and am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions! Then would my task be light, and my burden easy and delightful. For *who* is there so cold, that a nation's sympathy could not warm him? Who so obturate and dead to the claims of gratitude, that would not thankfully acknowledge such priceless benefits? Who so stolid and selfish, that would not give his voice to swell the hallelujahs of a nation's jubilee, when the chains of servitude

had been torn from his limbs? I am not that man. In a case like that, the dumb might eloquently speak, and the "lame man leap as an hart."

But, such is not the state of the case. I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. — The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought life and healing to you, has brought stripes and death to me. This Fourth July is yours, not mine. You may rejoice, I must mourn. To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhuman mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak to-day? If so, there is a parallel to your conduct. And let me warn you that it is dangerous to copy the example of a nation whose crimes, towering up to heaven, were thrown down by the breath of the Almighty, burying that nation in irrecoverable ruin! I can today take up the plaintive lament of a peeled and woe-smitten people!

"By the rivers of Babylon, there we sat down. Yea! we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For there, they that carried us away captive, required of us a song; and they who wasted us required of us mirth, saying, Sing us one of the songs of Zion. How can we sing the Lord's song in a strange land? If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth."

Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then, fellow-citizens, is AMERICAN SLAVERY. I shall see, this day, and its popular characteristics, from the slave's point of view. Standing there, identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul, that the character and conduct of this nation never looked blacker to me than on this 4th of July! Whether we turn to the declarations of the past, or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion,

I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the constitution and the Bible, which are disregarded and trampled upon, dare to call in question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery — the great sin and shame of America! "I will not equivocate; I will not excuse;" I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgment is not blinded by prejudice, or who is not at heart a slaveholder, shall not confess to be right and just.

But I fancy I hear some one of my audience say, it is just in this circumstance that you and your brother abolitionists fail to make a favorable impression on the public mind. Would you argue more, and denounce less, would you persuade more, and rebuke less, your cause would be much more likely to succeed. But, I submit, where all is plain there is nothing to be argued. What point in the anti-slavery creed would you have me argue? On what branch of the subject do the people of this country need light? Must I undertake to prove that the slave is a man? That point is conceded already. Nobody doubts it. The slaveholders themselves acknowledge it in the enactment of laws for their government. They acknowledge it when they punish disobedience on the part of the slave. There are seventy-two crimes in the State of Virginia, which, if committed by a black man (no matter how ignorant he be), subject him to the punishment of death; while only two of the same crimes will subject a white man to the like punishment. — What is this but the acknowledgement that the slave is a moral, intellectual and responsible being. The manhood of the slave is conceded. It is admitted in the fact that Southern statute books are covered with enactments forbidding, under severe fines and penalties, the teaching of the slave to read or to write. — When you can point to any such laws, in reference to the beasts of the field, then I may consent to argue the manhood of the slave. When the dogs in your streets, when the fowls of the air, when the cattle on your hills, when the fish of the sea, and the reptiles that crawl, shall be unable to distinguish the slave from a brute, then will I argue with you that the slave is a man!

For the present, it is enough to affirm the equal manhood of the negro race. Is it not astonishing that, while we are ploughing, planting and reaping, using all kinds of mechanical tools, erecting houses, constructing bridges, building ships, working in metals of brass, iron, copper, silver and gold; that, while we are reading, writing and cyphering, acting as clerks, merchants and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers; that, while we are engaged in all manner of enterprises common to other men, digging gold in California, capturing the whale in the Pacific, feeding sheep

manhood  
defined  
by economic  
activities  
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and cattle on the hill-side, living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and looking hopefully for life and immortality beyond the grave, we are called upon to prove that we are men!

Would you have me argue that man is entitled to liberty? that he is the rightful owner of his own body? You have already declared it. Must I argue the wrongfulness of slavery? Is that a question for Republicans? Is it to be settled by the rules of logic and argumentation, as a matter beset with great difficulty, involving a doubtful application of the principle of justice, hard to be understood? How should I look to-day, in the presence of Americans, dividing, and subdividing a discourse, to show that men have a natural right to freedom? speaking of it relatively, and positively, negatively, and affirmatively. To do so, would be to make myself ridiculous, and to offer an insult to your understanding. — There is not a man beneath the canopy of heaven, that does not know that slavery is wrong *for him*.

What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to burn their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is *wrong*? No! I will not. I have better employment for my time and strength, than such arguments would imply.

What, then, remains to be argued? Is it that slavery is not divine; that God did not establish it; that our doctors of divinity are mistaken? There is blasphemy in the thought. That which is inhuman, cannot be divine! Who can reason on such a proposition? They that can, may; I cannot. The time for such argument is past.

At a time like this, scorching irony, not convincing argument, is needed. O! had I the ability, and could I reach the nation's ear, I would, to-day, pour out a fiery stream of biting ridicule, blasting reproach, withering sarcasm, and stern rebuke. For it is not light that is needed, but fire; it is not the gentle shower, but thunder. We need the storm, the whirlwind, and the earthquake. The feeling of the nation must be quickened; the conscience of the nation must be roused; the propriety of the nation must be startled; the hypocrisy of the nation must be exposed; and its crimes against God and man must be proclaimed and denounced.

What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice

and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy — a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the every day practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival.

Americans! your republican politics, not less than your republican religion, are flagrantly inconsistent. You boast of your love of liberty, your superior civilization, and your pure christianity, while the whole political power of the nation, as embodied in the two great political parties, is solemnly pledged to support and perpetuate the enslavement of three millions of your countrymen. You hurl your anathemas at the crowned headed tyrants of Russia and Austria, and pride yourselves on your Democratic institutions, while you yourselves consent to be the mere *tools* and *body-guards* of the tyrants of Virginia and Carolina. You invite to your shores fugitives of oppression from abroad, honor them with banquets, greet them with ovations, cheer them, toast them, salute them, protect them, and pour out your money to them like water; but the fugitives from your own land, you advertise, hunt, arrest, shoot and kill. You glory in your refinement, and your universal education; yet you maintain a system as barbarous and dreadful, as ever stained the character of a nation — a system begun in avarice, supported in pride, and perpetuated in cruelty. You shed tears over fallen Hungary, and make the sad story of her wrongs the theme of your poets, statesmen and orators, till your gallant sons are ready to fly to arms to vindicate her cause against her oppressors; but, in regard to the ten thousand wrongs of the American slave, you would enforce the strictest silence, and would hail him as an enemy of the nation who dares to make those wrongs the subject of public discourse! You are all on fire at the mention of liberty for France or for Ireland; but are as cold as an iceberg at the thought of liberty for the enslaved of America. — You discourse eloquently on