

Declaration of the Rights of Man and of the Citizen [1789]

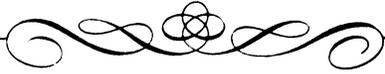
Adopted by the National Assembly during the French Revolution on August 26, 1789, and reaffirmed by the constitution of 1958.

Preamble

The representatives of the French People, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable and sacred rights of man, to the end that this Declaration, constantly present to all members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power,

since they may be continually compared with the aim of every political institution, may thereby be the more respected; to the end that the demands of the citizens, founded henceforth on simple and uncontested principles, may always be directed toward the maintenance of the Constitution and the happiness of all.

In consequence whereof, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following Rights of Man and of the Citizen.



Article first

Men are born free and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

Article 2

The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are Liberty, Property, Safety, and Resistance to Oppression.

Article 3

The source of all sovereignty lies essentially in the Nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it.

Article 4

Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

Article 5

The Law has the right to forbid only those actions that are injurious to society. Nothing that is not forbidden by Law may be hindered, and no one may be compelled to do what the Law does not ordain.

Article 6

The Law is the expression of the general will. All citizens have the right to take part, personally or

through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents.

Article 7

No man may be accused, arrested or detained except in the cases determined by the Law, and following the procedure that it has prescribed. Those who solicit, expedite, carry out, or cause to be carried out arbitrary orders must be punished; but any citizen summoned or apprehended by virtue of the Law, must give instant obedience; resistance makes him guilty.

Article 8

The Law must prescribe only the punishments that are strictly and evidently necessary; and no one may be punished except by virtue of a Law drawn up and promulgated before the offense is committed, and legally applied.

Article 9

As every man is presumed innocent until he has been declared guilty, if it should be considered necessary to arrest him, any undue harshness that is not required to secure his person must be severely curbed by Law.

Article 10

No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.

Article 11

The free communication of ideas and of opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law.

Article 12

To guarantee the Rights of Man and of the Citizen a public force is necessary; this force is therefore established for the benefit of all, and not for the particular use of those to whom it is entrusted.

Article 13

For the maintenance of the public force, and for administrative expenses, a general tax is indispensable; it must be equally distributed among all citizens, in proportion to their ability to pay.

Article 14

All citizens have the right to ascertain, by themselves, or through their representatives, the need for a public tax, to consent to it freely, to watch over its use, and to determine its proportion, basis, collection and duration.

Article 15

Society has the right to ask a public official for an accounting of his administration.

Article 16

Any society in which no provision is made for guaranteeing rights or for the separation of powers, has no Constitution.

Article 17

Since the right to Property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and prior indemnity has been paid.

The French Declaration of The Rights of Man and of the Citizen

Designed as a preamble to the constitution still under preparation in 1789 by the National Constituent Assembly, the French Declaration of the Rights of Man and of the Citizen summarized a large amount of Western thought concerning the individual and the individual's personal freedom in civil society. Evolving from the Estates General meeting at Versailles in the spring of 1789 to address growing unrest in France, the Constituent Assembly initially convened in late June of 1789. The idea of a written declaration of human rights was under discussion in various sectors of French society during these early months.

On July 6, the Constituent Assembly established a committee to set the agenda for the drafting of a constitution and selected 30 of its members to serve on this panel. A report on behalf of the committee three days later recommended that a declaration of rights should be prepared and attached to the constitution as an inseparable preamble to the text. Also, a somewhat elaborate plan was proposed for facilitating discussion of constitution articles within the Assembly's 30 bureaus. Adopting this proposal, the Assembly created a coordinating committee of eight members to distill the bureau deliberations. Subsequently, on July 27, the chairman of the coordinating committee initiated a debate in the Assembly

when he inquired about the type of rights declaration being sought by the membership. After considering the relationship of the declaration to the constitution, the content of such a statement, and the merits and demerits of such instruments, the Assembly agreed on August 4 that plans should proceed with the drafting of a short delineation of rights which would become a preamble to the constitution.

Dissatisfaction with the slow pace of the drafting effort, however, resulted in the creation of still another committee. Mandated on August 14, this panel of five members was to collect and review all available draft declarations, produce an agreed upon model, and present it within three days to the Assembly for consideration and approval. When the committee of five made its offering on August 17, the proposal was greeted with rejection and a lengthy debate ensued. A new course was then chosen: the whole Assembly would review the existing drafts and vote, article by article, upon the composition of the final declaration. The task was begun on August 20 and completed six days later when the Assembly, on August 26, approved the final content of the declaration. After undergoing some restyling, text rearrangement, and editing, the Declaration of the Rights of Man and of the Citizen was accepted by Louis XVI on October 5, 1789. It was later given modern-day reaffirmation by the French Constitution of 1958.