

## The French Revolution and the Organization of Justice

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

1791

The representatives of the French people, organized in a National Assembly, considering that ignorance, forgetfulness or contempt of the rights of man are the sole causes of public miseries and the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable and sacred rights of man, so that this declaration, being ever-present to all the members of the social body, may unceasingly remind them of their rights and duties; in order that the acts of the legislative power and those of the executive power may at each moment be compared with the aim of every political institution and thereby may be more respected; and in order that the demands of the citizens, grounded henceforth upon simple and incontestable principles, may always take the direction of maintaining the constitution and welfare of all.

In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and citizen:

Article 1. Men are born free and remain free and equal in rights. Social distinctions can be based only on public utility.

2. The aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression.

3. The source of all sovereignty resides essentially in the nation. No body, no individual can exercise authority that does not expressly proceed from the latter.

4. Liberty consists in the power to do anything that does not injure others; accordingly, the exercise of the rights of each man has no limits except those that secure the enjoyment of these same rights to the other members of society. These limits can be determined only by law.

5. The law has only the right to forbid such actions as are injurious to society. Nothing can be forbidden that is not interdicted by the law, and no one can be constrained to do that which the law does not order.

6. The law is the expression of the general will. All citizens have the right to take part personally, or by their representatives, in its formation. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, are equally eligible to all public dignities, places and employments, according to their capacities, and without other distinction than that of their virtues and talents.

7. No man can be accused, arrested or detained, except in the cases determined by the law and according to the forms it has prescribed. Those who procure, expedite, execute or cause arbitrary orders to be executed, ought to be punished. But every citizen summoned or seized by virtue of the law ought to render instant obedience; he makes himself guilty by resistance.

8. The law ought only to establish penalties that are strictly and obviously necessary, and no one can be punished except by virtue of a law established and promulgated prior to the offence and legally applied.

9. Every man being presumed innocent until he has been pronounced guilty, if it is thought indispensable to arrest him, all means that may go beyond what is strictly necessary to secure his person ought to be strictly suppressed by law.

10. No one should be bothered on account of his opinions, even religious, provided their presentation does not upset the public order established by law.

11. The free communication of ideas and opinions is one of the most precious rights of man. Every citizen can therefore speak, write and print

freely, subject to responsibility for the abuse of this freedom in cases as determined by law.

12. The guarantee of the rights of man and citizen requires a public force; this force is therefore instituted for the advantage of all and not for the personal benefit of those to whom it is entrusted.

13. A general tax is indispensable for the maintenance of the public force and for the expenses of administration; it ought to be equally apportioned among all citizens according to their means.

14. All citizens have a right to ascertain, by themselves or by their representatives, the necessity of the public tax, to consent to it freely, to follow the employment of it and to determine its amount, basis, collection and duration.

15. Society has the right to call for an account of the administration of every public agent.

16. Any society in which the guarantee of the rights is not secured, or the separation of powers is not determined, has no constitution at all.

17. Property being a sacred and inviolable right, no one can be deprived of it, unless a legally established public necessity demands it, under the condition of a just and prior indemnity.

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Note – This text is a translation from the French. The French version comes from the original edition of the Declaration of the rights of man and the citizen, which is part of the Constitution of 3 September 1791.

(Collection des décrets de l'Assemblée nationale constituante, rédigée, suivant l'ordre des matières, par M. Arnoult, membre de cette Assemblée, Dijon, Imprimerie de P. Causse, 1792, Tome premier, pages 299-302).