

Declaration of the Rights of Man and of the Citizen

The National Assembly of the new French Republic wanted to make radical changes in French government. The revolutionary leaders meant the following document to be the basis of a government that worked for the general good and treated all people in the same fair manner. Like the leaders of the earlier American Revolution, French leaders had adopted the ideas of such political writers as John Locke (1632-1704). They were especially influenced by Locke's Two Treatises of Government. Locke discusses what he called the natural rights of man, or humankind. These are the rights to life, liberty, and property. It is the government's role to act as protector of those rights, and the people's right to replace a government that does not guarantee or safeguard their rights. Locke's ideas formed the cornerstone of the American Declaration of Independence and the French Declaration of Rights of Man and of the Citizen.

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 corruptions of governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable (incapable of being taken away), and sacred rights of man, to the end that is Declaration, constantly present to all members of the body politic (a group of people politically organized under one government), may remind them unceasingly of their rights and their duties; the and that the legislative 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 more respected; to the end that the demands of citizens, founded henceforth on simple and (certain) principles, may always be directed toward the (support) of the constitution and the happiness of all.

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

Article 1. Men are born and remain free and equal in rights. Social distinctions may be based on considerations of the common good.

Article 2. The aim of every political association is the preservation of the natural...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 [arise] 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 [establish].

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 (dictatorial) orders must be punished; but any citizen summoned or (arrested) by virtue of the Law, must give instant obedience; resistance makes him guilty.

Article 8. The Law must (order) only the punishments that are strictly and evidently necessary; and no one may be punished except by virtue of a Law drawn up and (made public) 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 (display) 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 (equivalent) to the abuse of this liberty in the cases determined by law...

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 (identified) obviously requires it, and just and prior (compensation) has been paid.

Review Questions

1. How did John Locke influence the writers of the French Declaration of the Rights of Man and of the Citizen?
2. What is the stated purpose of the Declaration of the Rights of Man and of the Citizen?
3. How is "liberty" defined?
4. According to the declaration, what is the purpose of lawmaking?
5. According to the declaration, who should make the laws?
6. Why does the declaration state "any society in which no provision is made for guaranteeing rights or the separation of powers, has no Constitution"?