DECLARATION OF THE RIGHTS OF MAN AND OF CITIZENS

By the National Assembly of France

The Representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government, have resolved to set forth, in a solemn declaration, these natural, imprescriptible, and inalienable rights: that this declaration being constantly present to the minds of the members of the body social, they may be ever kept attentive to their rights and their duties: that the acts of the legislative and executive powers of Government, being capable of being every moment compared with the end of political institutions, may be more respected: and also, that the future claims of the citizens, being directed by simple and incontestible principles, may always tend to the maintenance of the Constitution, and the general happiness.

For these reasons, the National Assembly doth recognize and declare, in the presence of the Supreme Being, and with the hope of his blessing and favour, the following sacred rights of men and of citizens:

I. Men are born, and always continue, free, and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.

II. The end of all political associations, is, the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.

III. The nation is essentially the source of all sovereignty; nor can any individual, or any body of men, be entitled to any authority which is not expressly derived from it.

IV. Political Liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by the law.

V. The law ought to prohibit only actions hurtful to society. What is not prohibited by the law, should not be hindered; nor should any one be compelled to that which the law does not require.

VI. The law is an expression of the will of the community. All citizens have a right to concur, either personally, or by their representatives, in its formation. It should be the same to all, whether it protects or punishes; and all being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.

VII. No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms which it has prescribed. All who promote, solicit, execute, or cause to be executed, arbitrary orders, ought to be punished; and every citizen called upon, or apprehended by virtue of the law, ought immediately to obey, and renders himself culpable by resistance.

VIII. The law ought to impose no other penalties but such as are absolutely and evidently necessary: and no one ought to be punished, but in virtue of a law promulgated before the offence, and legally applied.

IX. Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him, more than is necessary to secure his person, ought to be provided against by the law.

X. No man ought to be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by the law.

XI. The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen
The three first articles comprehend in general terms the whole of a Declaration of Rights: All the succeeding articles either originate from them, or follow as elucidations. The 4th, 5th, and 6th, define more particularly what is only generally expressed in the 3rd, 2nd, and 1st.

The 7th, 8th, 9th, 10th, and 11th articles, are declaratory of Principles upon which laws shall be constructed conformable to the 7th article of the Declaration of Rights already declared. But it is questioned by some very good people in France, as well as in other countries, whether the 8th article sufficiently guarantees the right it is intended to accord with: besides which, it takes off from the divine dignity of religion, and weakens its operative force upon the mind to make it subject to human laws. It then presents itself to Man like light intercepted by a cloudy medium, in which the source of it is obscured from his sight, and he sees nothing but the reflection of it in the dusky ray.

The remaining articles, beginning with the twelfth, are subjoined as it appears right to him, and governments do mischief to every individual man.

OBSERVATIONS ON THE DECLARATION OF RIGHTS

Right of Man
For the abuse of this liberty in cases determined by the law.

XII. A public force being necessary to give security to the rights of man and of citizens, that force is instituted for the benefit of the persons with whom it is engaged.

XIII. A common contribution being necessary for the support of the public force, and for defraying the other expenses of government, it ought to be divided equally among the members of the community, according to their abilities.

XIV. Every citizen has a right, either by himself or his representatives, to a free voice in determining the necessity of public contributions, and in ascertaining, the amount, mode of assessment, and duration.

XV. Every community in which a separation of powers and a security of rights is not provided for, wants a constitution no one ought to be deprived of it, except in cases of evident public necessity, legally ascertained, and on condition of a previous just indemnity.
Rights of Man

stantially contained in the principles of the preceding articles; but, in the particular situation which France then was, having to undo what was wrong, as well as to set up what was right, it was proper to be more particular than what in another condition of things would be necessary.

While the Declaration of Rights was before the National Assembly, some of its members remarked, that if a Declaration of Rights was published, it should be accompanied by a Declaration of Duties. The observation discovered a mind that reflected, and it only erred by not reflecting far enough. A Declaration of Rights is, by reciprocity, a Declaration of Duties also. Whatever is my right as a man, is also the right of another; and it becomes my duty to guarantee, as well as to possess.

The three first articles are the basis of Liberty, as well individual as national; nor can any country be called free, whose government does not take its beginning from the principles they contain, and continue to preserve them pure; and the whole of the Declaration of Rights is of more value to the world, and will do more good, than all the laws and statutes that have yet been promulgated.

In the declaratory exordium which prefaces the Declaration of Rights, we see the solemn and majestic spectacle of a Nation opening its commission, under the auspices of its Creator, to establish a Government; a scene so new, and so transcendently unequalled by anything in the European world, that the name of a Revolution is diminutive of its character, and it rises into a Regeneration of man. What are the present Governments of Europe, but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say, It is a market where every man has his price, and where corruption is common traffic, at the expense of a deluded people? No wonder, then, that the French Revolution is traduced. Had it confined itself merely to the destruction of flagrant despotism, perhaps Mr Burke and some others had been silent. Their cry now is, 'It has gone too far;' that is, it has gone too far for them. It stirs corruption in the face, and the venal tribe are all alarmed. Their fear discovers itself in their outrage, and they are but publishing the groans of a wounded vice. But from such opposition, the

Observations on the Declaration of Rights

French Revolution, instead of suffering, receives an homage. The more it is struck, the more sparks it will emit; and the fear is, it will not be struck enough. It has nothing to dread from attacks: Truth has given it an establishment; and Time will record it with a name as lasting as his own.

Having now traced the progress of the French Revolution through most of its principal stages, from its commencement, to the taking of the Bastille, and its establishment by the Declaration of Rights, I will close the subject with the energetic apostrophe of M. de Lafayette – May this great monument raised to Liberty, serve as a lesson to the oppressor, and an example to the oppressed! *

*See page 68 of this work. – N.B. Since the taking of the Bastille, the occurrences have been published: but the matters recorded in this narrative, are prior to that period; and some of them, as may be easily seen, can be but very little known.