

<http://www.hrcr.org/docs/frenchdec.html>

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 end 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.

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FRENCH CONSTITUTION of the twenty-fourth of June, 1793

of the republic

1. The French Republic is one and indivisible.

of the division of the people.

2. The French people is, for the purpose of exercising its sovereignty, divided into primary assemblies according to cantons.

3. For the purpose of administration and justice, it is divided into departments, districts, and municipalities.

of the right of citizenship.

4. Every man born and living in France, of twenty-one years of age, and every alien, who has attained the age of twenty-one, and has been domiciled in France one year, and lives from his labor;

* or has acquired property;

* or has married a French woman;

* or has adopted a child;

* or supports an aged man;

and finally every alien whom the legislative body has declared as one well deserving of the human race, are admitted to exercise the rights of a French citizen.

5. The right of exercising the rights of citizen is lost:

* by being naturalized in a foreign state;

* by accepting offices of state, or favors which do not proceed from a democratic government;

* by being sentenced to dishonorable or corporal punishments, till reinstated in the former state.

6. The exercise of the rights of citizen is suspended:

* by being in a state of accusation;

* by a sentence in contumaciam, so long as this sentence has not been rescinded.

of the sovereignty of the people.

7. The sovereign people embraces the whole of French citizens.

8. It chooses its deputies directly.

9. It delegates to electors the choice of administrators, public civil judges, penal judges, and judges of cassation.

10. It deliberates on laws.

of the primary assemblies.

11. The primary assemblies are formed of the citizens who have resided six months in a canton.

12. They consist of no less than 200 and no more than 600 citizens, called together for the purpose of voting.

13. They are organized, after a president, secretaries and collectors of votes have been appointed.

14. They exercise their own police.

15. No one is allowed to appear there with arms.

16. The elections are made either by secret or loud voting, at the pleasure of each voter.

17. A primary meeting can in no case prescribe more than one manner of voting.

18. The collectors of votes note down the votes of those citizens who cannot write, and yet prefer to vote secretly.

19. The votes on laws are given by "Yes," and "No."

20. The elections of primary assemblies are published in the following manner: The united citizens in the primary assembly at—, numbering—votes, vote for, or vote against, by a majority of—.

of the national representation.

21. Population is the only basis of national representation.

22. For every 40,000 individuals, one deputy is chosen.

23. Every primary assembly which is formed of from 39,000 to 41,000 individuals, chooses directly a deputy.

24. The choice is effected by an absolute majority of votes.

25. Every assembly makes an abstract of the votes, and sends a commissioner to the appointed central place of general record.

26. If at the first voting, no absolute majority be effected, a second meeting shall be held, and those two citizens who had the most votes, shall be voted for again.

27. In case of an equal division of votes, the oldest person has the preference, no matter whether he was voted for, or whether he was chosen without it. In case of an equality of age, the casting of lots shall decide.

28. Every Frenchman, who enjoys the rights of a citizen, is eligible throughout the whole republic.

29. Every deputy belongs to the whole nation.

30. In case of non-acceptance, of abdication, or expiration of office, or of the death of a deputy, the primary assembly which had chosen him shall choose a substitute.

31. A deputy who hands in his resignation, cannot leave his post till his successor shall have been appointed.

32. The French people assembles every year on the 1st of May for election.

33. It proceeds thereto, whatever the number of citizens [present] may be, who have a right to vote.

34. Extraordinary primary meetings are held at the demand of one-fifth of the eligible citizens.

35. The meeting is, in this case, called by the municipal authority of the usual place of assembly.

36. These extraordinary meetings can transact business only when at least more than one-half of the qualified voters are present.

of the electoral assemblies.

37. The citizens, united in primary assemblies, nominate in proportion of 200 citizens, (they may be present or not,) one elector; two, for from 301 to 400; three, for from 501 to 600.

38. The holding of election meetings, and the manner of election, are the same as in the primary meetings.

of the legislative body.

39. The legislative body is one, indivisible and continual.

40. Its session lasts one year.

41. It assembles on the 1st of July.

42. The national assembly cannot be organized, unless at least one more than one-half of the deputies are present.

43. The deputies can, at no time, be held answerable, accused or condemned on account of opinions uttered within the legislative body.

44. In criminal cases, they may be arrested if caught in the act; but the warrant of arrest and the warrant of committal can be issued only by the legislative body.

mode of procedure of the legislative body.

45. The sessions of the national assembly are public.

46. The debates in their sessions shall be printed.

47. It cannot deliberate, unless it consist of 200 members.

48. It cannot refuse to members the floor, in the order in which they demand the same.

49. It decides by a majority of those present.

50. Fifty members have the right to demand a call by names.

51. It has the right of censorship on the conduct of the members in its midst.

52. It exercises the power of police at the place of its sessions, and within the whole extent of its environs.

of the functions of the legislative body.

53. The legislative body proposes laws, and issues decrees.

54. By the general name of law, are understood the provisions of the legislative body which concern:

- * the civil and penal legislation;
- * the general administration of revenues and of the ordinary expenditures of the republic;
- * the national domains;
- * the inscription, alloy, stamp and names of coins; declaration of war;
- * every new general division of the French territory; public instruction;
- * public demonstrations of honor to the memory of great men.

55. By the particular name of decrees are understood those enactments of the legislative body, which concern:

- * the annual establishment of the land and marine forces; the permission or refusal of the marching of foreign troops
- * through the French territory; the admission of foreign vessels of war into the ports of the republic;
- * the measures for the common peace and safety; the distribution of annual and momentary relief and of public works;
- * the orders for the stamping of coins of every description; the unforeseen and extraordinary expenses;
- * the local and particular orders for an administration, a commune, and any kind of public works;
- * the defence of the territory;
- * the ratification of treaties;
- * the nomination and removal of the commander-in-chief of the army;
- * the carrying into effect the responsibility of members of the executive council, and of public officers;
- * the accusation of discovered conspiracies against the common safety of the republic;
- * every alteration in the division of the French territory; the national rewards.

of the making of laws.

56. A notice must precede the introduction of a bill.

57. Not till after a fortnight from the giving of notice can the debate begin, and the law be temporarily accepted.

58. The proposed law is printed and sent to all the communes of the republic, under the address of, Proposed law.

59. If, forty days after the sending in of the proposed law, of the absolute majority of departments, one-tenth of all the primary meetings, legally assembled by the departments, have not protested, the bill is accepted and becomes a law.

60. If protest be made, the legislative body calls together the primary meetings.

of the superscription of laws and decrees.

61. The laws, decrees, sentences, and all public transactions are superscribed: In the name of the French people, in the—year of the French Republic.

of the executive power.

62. There shall be an executive council, consisting of twenty-four members.

63. The electoral assembly of each department nominates a candidate. The legislative body chooses from this general list the members of the executive council.

64. It shall be renewed each half session of every legislature, in the last months of its session.

65. The executive council has the management and supervision of the general administration. Its activity is limited to the execution of laws and decrees of the legislative body.

66. It appoints, but not out of its midst, the highest agents of the general administration of the republic.

67. The legislative body establishes the number of these agents, and their business.

68. These agents form no council. They are separated one from the other, and have no relation among themselves. They exercise no personal power.

69. The executive council chooses, but not from its midst, the foreign agents of the republic.

70. It negotiates treaties.

71. The members of the executive council are, in case of violation of duties, accused by the legislative body.

72. The executive council is responsible for the non-execution of the laws and decrees, and the abuses, of which it does not give notice.

73. It recalls and substitutes the agents at pleasure.

74. It is obliged, if possible, to inform the judicial authorities regarding them.

of the mutual relations between the executive council, and the legislative body.

75. The executive council shall have its seat near the legislative body. It shall have admittance to, and a special seat at the place of session. [...] of the administrative authorities and the municipalities. [...]
of civil justice.

85. The civil and penal code is the same for the whole republic.

86. No encroachment can be made upon the right of citizens to have their matters in dispute decided on by arbitrators of their own choice.

87. The decision of these arbitrators is final, unless the citizens have reserved the right of protesting.

88. There shall be justices of the peace, chosen by the citizens of the districts, appointed by law.

89. They shall conciliate and hold court without fees.

90. Their number and extent of power shall be established by the legislative body.

91. There shall be public judges of arbitration, who are chosen by electoral assemblies.

92. Their number and districts are fixed by the legislative body.

93. They shall decide on matters in controversy, which have not been brought to a final decision by private arbitrators or by the justices of the peace.

94. They shall deliberate publicly. They shall vote with loud voice.

They shall decide in the last resort on oral pleadings, or on a simple petition, without legal forms and without cost.

They shall assign the reasons of their decisions.

95. The justices of the peace and the public arbitrators are chosen annually.

of criminal justice.

96. In criminal cases, no citizen can be put on trial, except a true bill of complaint be found by a jury, or by the legislative body.

The accused shall have advocates, either chosen by themselves, or appointed officially. The proceedings are in public. The state of facts and the intention are passed upon by a jury. The punishment is executed by a criminal authority.

97. The criminal judges are chosen annually by the electoral assemblies.

of the court of cassation.

98. There is a court of cassation for the whole republic.

[...]

of the national treasury. [...] of the rendition of accounts. [...]

of the military forces of the republic.

107. The general military power of the republic consists of the whole people.

108. The republic supports, also, in times of peace, a paid land and marine force.

109. All Frenchmen are soldiers; all shall be exercised in the use of arms.

110. There is no generalissimo.

111. The distinction of grade, the military marks of distinction and subordination, exist only in service and in time of its duration.

112. The general military force is used for the preservation of order and peace in the interior; it acts only on a written requisition of the constituted authorities.

113. The general military force against foreign enemies is under the command of the executive council.

114. No armed body can deliberate.

of the national convention.

115. If of the absolute majority of departments, the tenth part of their regularly formed primary assemblies demand a revision of the constitution, or an alteration of some of its articles; the legislative body is obliged to call together all primary assemblies of the republic, in order to ascertain whether a national convention shall be called.

116. The national convention is formed in like manner as the legislatures, and unites in itself the highest power.

117. It is occupied, as regards the constitution, only with those subjects which caused its being called together.

of the relations of the french republic towards foreign nations.

118. The French nation is the friend and natural ally of free nations.

119. It does not interfere with the affairs of government of other nations. It suffers no interference of other nations with its own.

120. It serves as a place of refuge for all who, on account of liberty, are banished from their native country. These it refuses to deliver up to tyrants.

121. It concludes no peace with an enemy that holds possession of its territory.

of the guaranty of rights.

122. The constitution guarantees to all Frenchmen equality, liberty, security, property, the public debt, free exercise of religion, general instruction, public assistance, absolute liberty of the press, the right of petition, the right to hold popular assemblies, and the enjoyment of all the rights of man.

123. The French republic respects loyalty, courage, age, filial love, misfortune. It places the constitution under the guaranty of all virtues.

124. The declaration of the rights of man and the constitution shall be engraven on tables, to be placed in the midst of the legislative body, and in public places. [...]

Reading assignment for next week:

http://www.napoleon-series.org/research/government/legislation/c_constitution12.html

<http://mjp.univ-perp.fr/france/co1804.htm>
(For general information: <http://www.conseil-constitutionnel.fr/>)