

# Preface to the Constitution of 1793

## (Declaration of the Rights of Man and the Citizen)

*National Assembly of France*

The French people, convinced that the forgetfulness of and contempt for the natural rights of man are the sole causes of the misfortunes of the world, have resolved to set forth these sacred and inalienable rights in a solemn declaration, in order that all citizens, being able constantly to compare the acts of the government with the aim of every social institution, may never permit themselves to be oppressed and degraded by tyranny, in order that the people may always have before their eyes the bases of their liberty and their happiness, the magistrate the guide to his duties, the legislator the object of his mission.

Accordingly, in the presence of the Supreme Being, they proclaim the following declaration of the rights of man and citizen.

1. The aim of society is the general welfare.

Government is instituted to guarantee man the enjoyment of his natural and inalienable rights.

2. These rights are equality, liberty, security, and property.

3. All men are equal by nature and before the law.

4. Law is the free and solemn expression of the general will; it is the same for all, whether it protects or punishes; it may order only what is just and useful to society; it may prohibit only what is injurious thereto.

5. All citizens are equally admissible to public office. Free peoples recognize no grounds for preference in their elections other than virtues and talents.

6. Liberty is the power appertaining to man to do whatever is not injurious to the rights of others. It has nature for its principle, justice for its rule, law for its safeguard. Its moral limit lies in this maxim: Do not to others that which you do not wish to be done to you.

7. The right of manifesting ideas and opinions, either through the press or in any other manner, the right of peaceful assembly, and the free exercise of worship may not be forbidden.

The necessity of enunciating these rights implies either the presence or the recent memory of despotism.

8. Security consists of the protection accorded by society to each one of its members for the preservation of his person, his rights, and his property.

9. The law must protect public and individual liberty against the oppression of those who govern.

10. No one is to be accused, arrested, or detained, except in the cases determined by law and according to the forms prescribed thereby. Any citizen, summoned or seized by authority of the law, must obey immediately; he renders himself culpable by resistance.

11. Any act directed against a person, apart from the cases and without the forms determined by law, is arbitrary and tyrannical; if attempt is made to execute such act by force, the person who is the object thereof has the right to resist it by force.

12. Those who incite, dispatch, sign, or execute arbitrary acts, or cause them to be executed, are guilty and must be punished.

13. Since every man is presumed innocent until declared guilty, if his arrest is deemed indispensable, all severity unnecessary for securing his person must be severely curbed by law.

14. No one is to be tried and punished until after having been heard or legally summoned, and except by virtue of a law promulgated prior to the offense. A law that would punish offenses committed before it existed would be tyranny; the retroactive effect of such a law would be a crime.

15. The law is to enact only penalties which are strictly and obviously necessary. Penalties must be proportionate to offenses and useful to society.

16. The right of property is the right appertaining to every citizen to enjoy and dispose at will of his goods, his income, and the product of his labor and skill.

17. No kind of labor, tillage, or commerce may be forbidden the industry of citizens.

18. Every man may contract his services or his time; but he may not sell himself or be sold; his person is not an alienable property. The law does not recognize the status of servant; only a bond of solicitude and acknowledgment may exist between the employee and his employer.

19. No one may be deprived of the least portion of his property without his consent, unless a legally established public necessity requires it, and upon condition of a just and previous indemnity.

20. No tax may be established except for general utility. All citizens have the right to concur in the establishment of taxes, to supervise their use, and to have an account rendered thereof.

21. Public relief is a sacred obligation. Society owes subsistence to unfortunate citizens, either by procuring work for or by providing the means of existence for those unable to work.

22. Education is necessary for everyone. Society must promote with all its power the advancement of public reason, and must place education within reach of all citizens.

23. The social guarantee consists of the effort of all to assure to each the enjoyment and preservation of his rights; this guarantee is based upon national sovereignty.

24. It cannot exist if the limits of public functions are not clearly determined by law, and if the responsibility of all functionaries is not assured.

25. Sovereignty resides in the people; it is one and indivisible, imprescriptible, and inalienable.

26. No portion of the people may exercise the power of the entire people; but every section of the sovereign assembled is to enjoy the right to express its will with complete liberty.

27. Let any individual who would usurp sovereignty be put to death instantly by free men.

28. A people always has the right to review, reform, and amend its constitution. One generation may not subject future generations to its laws.

29. Every citizen has an equal right to concur in the formation of the law and in the selection of its mandataries or agents.

30. Public functions are essentially temporary; they may be considered as neither distinctions nor rewards, but only as duties.

31. Offenses of mandataries and agents of the people must never go unpunished. No one has the right to consider himself more inviolable than others.

32. The right of presenting petitions to the depositaries of public authority may not be forbidden, suspended, or limited under any circumstances.

33. Resistance to oppression is the consequence of the other rights of man.

34. There is oppression against the social body when a single one of its members is oppressed. There is oppression against every member when the social body is oppressed.

35. When the government violates the rights of the people, insurrection is for the people, and for every portion thereof, the most sacred of rights and the most indispensable of duties.