



DÉCLARATION DES DROITS DE L'HOMME ET DU CITOYEN

D'écrits par l'Assemblée Nationale dans les séances des 20 et 23 Août 1789
acceptés par le Roi

PRÉAMBULE

LES représentants du peuple Français, constitués en assemblée nationale, considérant que l'ignorance, l'oubli ou le mépris des droits de l'homme ont été la source de tous les maux publics et de la corruption des gouvernements, ont résolu d'exposer dans une déclaration solennelle les droits naturels, inaliénables et sacrés de l'homme, afin que cette déclaration, constamment présente à tous les membres du corps social, leur rappelle sans cesse leurs droits et leurs devoirs ; afin que les actes du pouvoir législatif et ceux du pouvoir exécutif, pouvant être à chaque instant comparés avec le but de tout gouvernement politique, en soient plus respectés, afin que les réclamations des citoyens, fondées désormais sur des principes simples et incontestables, tournent toujours au maintien de la constitution et du bonheur de tous.

EN conséquence, l'Assemblée nationale reconnaît et déclare, en présence et sous les auspices de l'Être suprême les droits suivants de l'homme et du citoyen :

ARTICLE PREMIER

LES hommes naissent et demeurent libres et égaux en droits ; les distinctions sociales ne peuvent être fondées que sur l'utilité commune.

II.

Le but de toute association politique est la conservation des droits naturels et imprescriptibles de l'homme ; ces droits sont la liberté, la propriété, la sûreté, et la résistance à l'oppression.

III.

Le principe de tout souverainement réside essentiellement dans la nation, nul corps, nul individu ne peut exercer d'autorité qui n'en émane expressément.

IV.

La liberté consiste à pouvoir faire tout ce qui ne nuit pas à autrui. Ainsi l'exercice des droits naturels de chaque homme n'a de bornes que celles qui assurent aux autres membres de la société la jouissance de ces mêmes droits ; ces bornes ne peuvent être déterminées que par la loi.

V.

La loi n'a le droit de défendre que les actions nuisibles à la société. Tout ce qui n'est pas défendu par la loi ne peut être empêché, et nul ne peut être contraint à faire ce qu'elle n'ordonne pas.

VI.

La loi est l'expression de la volonté générale ; tous les citoyens ont droit de concourir personnellement, ou par leurs représentants, à sa formation ; elle doit être la même pour tous, soit qu'elle punisse, soit qu'elle punisse. Tous les citoyens étant égaux à ses yeux, sont également admissibles à toutes dignités, places et emplois publics, selon leur capacité, et sans autres distinctions que celles de leurs

vertus et de leurs talents

VII.

Nul homme ne peut être accusé, arrêté ni détenu que dans les cas déterminés par la loi, et selon les formes qu'elle a prescrites ; ceux qui sollicitent, reçoivent, retiennent ou font retenir des individus arbitrairement, doivent être punis comme tout citoyen appelé ou saisi en vertu de la loi doit obéir à l'autorité, il se rend coupable par la résistance.

VIII.

La loi ne doit établir que des peines strictement et évidemment nécessaires, et nul ne peut être puni qu'en vertu d'une loi établie et promulguée antérieurement au délit, et légalement appliquée.

IX.

Tout l'homme étant présumé innocent jusqu'à ce qu'il ait été déclaré coupable, s'il est jugé indispensable de l'arrêter, tout rigueur qui ne serait pas nécessaire pour s'assurer de sa personne doit être sévèrement réprimée par la loi.

X.

Nul ne doit être inquiété pour ses opinions, mêmes religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la loi.

XI.

La libre communication des pensées et des opinions est un des droits les plus précieux de l'homme ; tout citoyen peut donc parler, écrire, imprimer librement, sauf à répondre de l'abus de cette liberté dans les cas déterminés par la loi.

XII.

La garantie des droits de l'homme et du citoyen nécessite une force publique ; cette force est donc instituée pour l'usage de tous, et non pour l'utilité particulière de ceux à qui elle est confiée.

XIII.

Pour l'entretien de la force publique, et pour les dépenses d'administration, une contribution commune est indispensable ; elle doit être également répartie entre les citoyens en raison de leurs facultés.

XIV.

LES citoyens ont le droit de constater par eux-mêmes ou par leurs représentants, la nécessité de la contribution publique, de la consentir librement, d'en suivre l'emploi, et d'en déterminer la quotité, l'étendue, le recouvrement et la durée.

XV.

La société a le droit de demander compte à tout agent public de son administration.

XVI.

TOUTE société, dans laquelle la garantie des droits n'est pas assurée, ni la séparation des pouvoirs déterminée, n'a point de constitution.

XVII.

LES propriétés étant un droit sacré et inviolable, nul ne peut en être privé ; si ce n'est lorsque la nécessité publique, légalement constatée, l'exige évidemment, et sous la condition d'une juste et préalable indemnité.

Rights Of Man

Camilla Rothe



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