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DECLARATION OF THE RIGHTS OF MAN AND THE CITIZEN OF
HOLLAND¹
JANUARY 31, 1795

FREEDOM, EQUALITY, BROTHERHOOD

PUBLICATION

The provisional Representatives of the People of Holland², being of the view that they owe their Fellow Citizens a solemn explanation of the grounds supporting their deeds and acts, to all those who shall see this or hear it read, greetings, be it known:

[1]³ That we are wholly convinced that the power entrusted in us only rests with us and has only been received by us through the free choice of our Fellow Citizens: that no Supreme Power is vested in us, but the actual Sovereignty lies with the People, and in such a way that the People may entrust the exercise of it to its Representatives, yet without ever being alienated from it.

[2] That we rest assured that the calamities that now so heavily oppress this Land and the other Regions owe their origin primarily to the erroneous ideas which through trickery and violence have been used to delude the People, and that it is therefore a requirement for Representatives of the People who wish to be faithful to their duty to devise and establish strong and clear fundamental principles for the regulation of their behaviour.

[3] That however strongly we are of the view that the further determination of these rights will have to be the first work of a

National Assembly of Representatives of the whole People, appointed to establish a Form of Government, we nevertheless owe it to the trust placed in us by our Fellow Citizens to issue publicly a solemn acknowledgement of the rights of Man and of the Citizen by declaring, as we acknowledge and declare herewith:

[4] “That all Men are born with equal rights and that these natural rights cannot be taken away from them.

[5] That these rights consist of equality, freedom, security, ownership and resistance to oppression.

[6] That freedom is the power to which every Man is entitled to be allowed to do anything that does not interfere with the rights of others: that therefore its natural definition consists of the proposition: *Do not do to others that which you do not wish to be done to yourself.*

[7] That everyone is therefore permitted to make his thoughts and feelings known to others either by means of the Printing Press or in any other way.

[8] That every Man has the right to serve God in the way that he wishes, or not to do so, without being coerced in this regard in any way.

[9] That security consists of the certainty that one may exercise one’s rights or the peaceful ownership of legally acquired possessions without interference from others.

[10] That everyone must have a voice in the legislative Assembly of the whole of Society, either personally, or by means of a representation chosen in part by him.

[11] That the aim of all Civil Societies must be to ensure that Men may peacefully enjoy their natural rights.

[12] That therefore the natural freedom to be allowed to do all manner of things which do not interfere with the rights of others can never be curtailed unless this is expressly required by the aim of Civil Societies.

[13] That such restrictions of natural freedom may not be made, other than by the People or its Representatives.

[14] That therefore no-one can be made to relinquish or sacrifice any of his personal possessions to the general community without this being explicitly determined by the will of the People or its Representatives, and without damages being awarded in advance.

[15] That the law is the free and solemn expression of the general will, that it is equal for all, with regard to either punishment or reward.

[16] That no-one may be judicially accused, arrested and imprisoned other than in such cases and following such formalities as have been determined in advance by the law itself.

[17] That in case it is deemed necessary to imprison someone, no-one may be treated more harshly than is completely necessary to ensure captivity of his person.

[18] That, as all Men are equal, all are eligible for election to all Offices and Services, based on no other reasons for preference than virtues and abilities.

[19] That everyone has the right to help to demand accountability from every Officer of public administration for the execution of his office.

[20] That the right of every Citizen to put forward his interests to those to whom public power has been entrusted can never be constrained in the slightest way.

[21] That Sovereignty rests with the entire People and therefore no section of the People can arrogate it to itself.

[22] That the People has the right at all times to change or improve its form of Government, or to choose one that is completely different.”

[23] That these are the grounds on which we believe our deeds and acts must be based, and in attempting to apply these to the order previously in place, soon found that the form of Government which was established by the invasion of the Prussian Army and therefore only by violence in the year 1787, conflicted with the same in all aspects.

[24] That the Persons who previously constituted the Assembly of the so-called States-General of Holland and West Friesland were never chosen by their Fellow Citizens to be their Representatives, and that therefore that Administration of the State being completely in conflict with the Rights of Man and of the Citizen could not exist.

[25] That we also realised forthwith that all hereditary titles such as *Erfstadhouder* [Hereditary Stadtholder], Captain General and Admiral of this Province, and of Knighthood, together with all hereditary Nobility were in conflict with the Rights of Man, and that therefore all of these should be regarded as and declared lapsed, as these are herewith declared lapsed.

[26] That we rest assured that by this declaration all the extorted and illegal Oaths to the so-called old Constitution, established in 1787 and 1788, will immediately become void, to the extent that such an Oath may have had any force at all; that we yet again and to reassure all and sundry moreover declare in the name of the People of Holland, as is being expressly declared by this means, that all Inhabitants, who may have taken the prescribed Oath, are herewith completely released from the same.

[27] That these grounds also altogether nullified the existence of the previously so-called *Collegie van Gecommitteerde Raaden* [College of Boards of Commissioners] of both the Southern and Northern quarter, as well as the division of the provincial accounts, both with respect to finances and otherwise, as well as the existence at the time of the so-called *Rekenkamer van Holland en Westfriesland* [Court of Audit of Holland and West Friesland], as all these arise from the previous erroneous Form of Government, in which no real form of representation was observed; and that we therefore are of the view that all of the previously mentioned Colleges of Boards of Commissioners, both in the Southern and Northern quarter, together with the Court of Audit of Holland and West Friesland must be destroyed and abolished, as they are destroyed and abolished herewith; and that we, in order to quickly replace the work of these same Colleges properly, believed it necessary to appoint and commission, as we appoint and commission herewith, a *Comité van Algemeen Welzijn* [Committee of General Welfare], which shall completely take over the work of the previously mentioned Boards of Commissioners, in so far as the particular domestic affairs of the *whole* Province are concerned, which previously were allotted to the previously mentioned two Colleges, in addition a *Military Committee*, in so far as the *Militairenstaat* [State of the Military] and all special Military affairs of this whole Province are concerned – a *Committee of*

Finances to take care of all the Financial affairs of this entire Province; and finally a *Committee of Accounts* to take over and replace all the activities of the *Hollandsche Rekenkamer*, [The Court of Audit of Holland], all of this provisionally and until such time as an Assembly of Representatives, chosen as quickly as possible from the entire People, shall make further provisions; that we have further decided not to attach any other Title to this our Assembly than that of *provisional Representatives of the People of Holland*, without adding the word West Friesland to it, as we have best judged this to include the whole Province of Holland.

We wish and expressly order the Courts of Justice residing within this Province, together with all Governments of Cities and Places within the same, to make this our Publication known with all possible solemnity, either by the sounding of Trumpets or by the pealing and playing of Bells, or in such other solemn way, as is judged best in each City or Place, to all the Inhabitants of this Province; also that this shall be exhibited everywhere in the usual way; and that everyone shall scrupulously regulate their actions accordingly.

Done in The Hague using the small Seal of the Land on 31 January 1795. The first year of the Batavian Liberty.⁴

P.PAULUS Vt.

By ordinance of the provisional Representatives of the People of Holland.

C.J.DE LANGE VAN WINGAERDE

¹ The text follows that of a public notice from 1795, containing the declaration concerning the rights of men and citizens. This placard – that is: an announcement from the authorised government – was printed in The Hague by Isaac Scheltus, National Printer. It is housed in the National Archives in The Hague, as 3.02.01, inv. Nr. 1. The text was also published in 1795 and in the years following in various places in non-official form, in the *Nieuwe Nederlandsche Jaarboeken, of vervolg der merkwaardigste geschiedenissen, die voorgevallen zyn in de Zeven Provinciën, Bataafsch Brabant en Drenthe, en de buitenlandsche bezittingen*^{30/1}, Amsterdam, 1795, 113–118 in the *Jaarboeken der Bataafsche Republiek 1*, Amsterdam/Haarlem, 1795, 142–147 and in the *Volledige Verzameling der publicatien van de Provisioneele Repraesentanten van het volk van Holland en der Staaten Generaal 1*, Leiden: *Bij Herdingh 1795, nr. 3*. The text also appeared repeatedly as a separate pamphlet which, given its octavo format, was easier to manage than a poster. The text of these non-official editions does not differ from the text on the placard. These editions do sometimes employ a somewhat different spelling, and once or twice the salutation is missing. The declaration was also published in the Twentieth century by G.W. Bannier (ed.) *Grondwetten van Nederland. Teksten der achtereenvolgende staatsregelingen en grondwetten sedert 1795, met verschillende staatsstukken, historische toelichtingen en eenige tabellen*, Zwolle, 1936, 13–16 and by F.H. van den Berg, H. Boels and J.P. Loofs (eds.), *Tweehonderd jaar Rechten van de Mens in Nederland. De Verklaring van de Rechten van de Mens en van de Burger van 31 januari 1795 toegelicht en vergeleken met Franse en Amerikaanse voorgangers*, Leiden, 1994, 3–6. Both of the latter editions were based, just like the current text, on the above-mentioned placard.

² This declaration was drawn up by the so-called Provisional Representatives of the People of Holland and was passed by them in a meeting of 29 January 1795. Holland was at that time the richest and most powerful province of the Republic of the United Netherlands and also had the most inhabitants. The declaration only applied to the province of Holland. Other provinces published their own declarations after January 1795, which usually differed little from the example from Holland.

³ The original text was not numbered. The numbers between square brackets have been added to this edition because of the references in the index.

⁴ The declaration was never changed. It lost its validity on 1 May 1798 with the proclamation of the 1798 *Staatsregeling* [Constitution]. This *Staatsregeling* put an end to provincial sovereignty.