<https://associations.gouv.fr/liberte-associative.html>

Version Anglaise / English version

**The law of 1 July 1901 and freedom of association**

On 1 July 1901, Pierre WALDECK-ROUSSEAU, after a long parliamentary battle, had the far-reaching law "relating to the contract of association" adopted, which guaranteed one of the great republican freedoms. Thus, any citizen has the right to associate, without prior authorisation.

The "1901" law establishes the right of association on an entirely new basis. It preserves the freedom and rights of individuals while allowing their collective action. It puts an end to the restrictive and preventive prohibition regime of the "Le Chapelier" law, of the article of the penal code, of the law of 1854. It does not restore anything of the corporate law of yesteryear and bases the right of association on the principles of the 1789 revolution: primacy of the individual, his rights and freedom, freedom to join or leave an association, limitation of the object of the association to a defined object, equality of the members of an association, administration of the association by free deliberation of its members.

The law of 1 July 1901 and the decree of 16 August of the same year constitute the two fundamental texts on which the functioning of associations is based.

Article 1 of the law of 1 July 1901 defines what an association is :

"association is the agreement by which two or more persons permanently pool their knowledge or their activity for a purpose other than to share profits...".

From the very first article of this law, the legislator made known his desire to place the legal regime for associations in the spirit and principles of the common law of contracts governed by the Civil Code. This framework of common law will regulate the constitution, operation and dissolution of the association beyond the articles contained in the law of 1 July 1901.

**The association is "... a convention... "**

The legislator defines a framework for the application of this very special and particular contract, which is the very foundation of this specificity of association and to which its defenders are attached.

The implementation of this contract at the initiative of "... two or more persons..." must respect three characteristics.

**The provision of knowledge or the provision of activities.**

The will to "... pool knowledge or an activity..." is one of the main elements of the contract of association.

The absence of such a commitment would call into question the qualification of such a grouping of individuals.

**A "permanent" sharing**

This clarification emphasizes the permanent nature which binds the parties to the contract.

In exchange for their annual subscription, the members of the association meet for a certain period of time... "**for a purpose other than sharing profits...".**

Through this definition, the legislator has left a **great deal of freedom in the object and purpose** that can be pursued by the individuals who associate in this contract.

It can therefore be deduced from this text that it is possible for an association to make profits and carry out an economic activity, but it cannot distribute its profits in any way.

**Association is the expression of a public freedom**

In France, **a freedom with constitutional value**

L. 1 July 1901, art. 2: "...associations of persons may be formed freely without prior authorisation or declaration...".

This character of public freedom was affirmed and recognised by the Constitutional Council in a [decision of 16 July 1971](https://www.conseil-constitutionnel.fr/decision/1971/71-44-dc/decision-n-71-44-dc-du-16-juillet-1971.7217.html?version=dossier_complet), which stipulates "... Considering that among the fundamental principles recognised by the laws of the Republic and solemnly reaffirmed by the preamble to the Constitution is the principle of freedom of association; that this principle is the basis of the general provisions of the law of 1 July 1901 on the contract of association... ". For the record, in this decision, the Constitutional Council annulled a legislative provision that provided for the creation of certain associations to be subject to prior authorisation by the administrative authority.

The full text of the law of [1 July 1901](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000497458/) can be consulted on the Legifrance website

The full text of the [decree of 16 August 1901](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000668093/) can be consulted on the Legifrance website