

DEATH PENALTY

This idea contains a great stock of immorality.

The abolition of the death penalty leads to that of the penal colony, odious to see and think about, more odious than the guillotine, as torture is more odious than death itself. The abolition of the prison leads in its turn to that of all the corporal punishment or loss of civil rights.

(Cf. E DELATTRE, *Devoir du suffrage universel*, where he seeks to establish that society does not have the right to punish, *but only to put the dangerous individuals where they can do no harm.*—In truth, the advantage would be great for them.)

I have always feared that these philanthropists, so solicitous of life, so avaricious of the blood of the criminals, are hypocrites who have a great need of pardon themselves, since they feel that if we knew their hearts, we would demand their heads.

Prosecution and punishment [*vindicta*] is a sacred thing. It is an affirmation of the conscience, like right itself. Every man is a justice-bringer [*justicier*], as he is moral: the police justice is only the transference that we make of our own right to justice, in the interest of the impartiality of the judgments, to some established judges, sheltered from the passions.

I hope that that abolition should take place, because then the good citizen, hunted to their last entrenchment by the villains and the immoral would not inherit to make themselves executioners and enforcers. De Maistre has not said it all: the infamy attached to the function of the executioner is the sign of our degradation.

Revolutionary Tribunal.

[lacking two marginal notes]

December 2, 1863, after a dozen years of hardships, some citizens of independent, liberal professions, of all shades of opinion, each at least fifty years of age, current [] with the facts submitted for their assessment, having been able to judge them with majority from the beginning, are gathered in the number of thirty-six and, constituted spontaneously as a jury, after fifteen years of deliberation, have rendered against Louis-Napoléon Bonaparte, presently Emperor of the French, the verdict below:

1st QUESTION.—Is Louis-Napoléon Bonaparte, arrested at Strasbourg, October 30, 1836, accused of an attack on the security of the State, then pardoned without judgment by the king Louis-Philippe under the condition that he withdraw to America, then arrested again at Boulogne, August 6, 1840, for the same crime, and condemned by the Court of Peers, October 6 of the same year to a perpetual prison, later restored to liberty and elected, in 1848, President of the Republic, guilty of having, during 1848 (notably in the June Days), 1849, 1850 and 1851, before and since his election to the Presidency, conspired constantly against the rights and liberties of the nation?

Response, unanimously: Yes.

2nd QUESTION.—Is he guilty of having, on December 2, 1851, despite his oath, despite the protests of the representatives of the people and the resistance of the citizens, destroyed the Constitution, dismissed the representatives and usurped political power? [7]

Response: Yes, unanimously.

3rd QUESTION.—Is he guilty of having perpetrated that attack by means of the theft of public funds, the corruption of the army and civil servants, the massacre of citizens, in Paris and in the departments, the transportation and ruin of patriots?

Response: Yes, unanimously.

4th QUESTION.—The votes of December 1848, December 1851, March and December 1852, June 1854 and June 1863, can they be considered as ratifications or absolutions of the crimes for which the accused is rebuked?

Response: No, unanimously. Universal suffrage is only worthwhile as long as it is in accord with Right and Liberty. Universal suffrage is subject to error: the aforementioned votes are the proof of it. Justice is infallible and inviolable; violated, it demands reparation.

5th QUESTION.—Can the twelve years of the government of Louis-Napoléon Bonaparte, dating from the coup d'état of 1851, through the good will that they have procured for the citizens, through the development of

fortunes, morality and public liberties, as a justification of his pretensions of 1836 and 1840, and reparation of crime of December 2?

Response: No, unanimously.—The Nation, under this regime of violence, misappropriation, lies, venality and prostitution, has not ceased to wane. Tax, debt and difficulties have accumulated; the public spirit is perverted; opinion has been stifled; la tribune et la presse forced to lie or keep silent; justice enslaved; monopoly, concessions and bribes encouraged and organized; individual liberty and property delivered to the most ignoble despotism. Outside France, great [8] military expeditions, without aim, without results, without any motive but the glory of the prince or the service of his fantasies, have been undertaken: if they all honor our bayonets, they are the shame of the nation, on which they have attracted the scorn and hatred of Europe. In short, the imperial government, founded on crime, continued by crime, and can only be considered as a series of follies and crimes.—The attacks of 1836 and 1840, judged according to the effects [], appearing in all their criminality [].

6th QUESTION.—In the absence of reparations, can Louis-Napoléon Bonaparte at least invoke, as an extenuating circumstance, his birth, his education, the popularity of the first Emperor, the prestige of the *Napoleonic idea*, whose kingdom he felt himself called to found, or finally, the state of agitation in which France has found itself since the February Revolution?

Response: No, unanimously.—Far from being able to invoke the Napoleonic succession in favor of Louis-Napoléon Bonaparte, as in 1793 one invoked in favor of Louis XVI the inheritance of a monarchy of fourteen centuries, that succession is a fact more in support of the accusation, in the sense that it extends solidarité in the crime to the whole Bonaparte family, but especially to the usurper of Brumaire, escaped from the Isle of Elba. History, today better known, proves that that [] family has been fatale à la France and that its head, the first Emperor, was in all regards our evil genius. Finally, we have been convinced by his memoirs, written at Saint Helena, that all his thought had a single aim, that of seducing public opinion and ensuring the later the restoration of his dynasty. The usurpation of December 2 is the consequence of the usurpation of 18 Brumaire; the government of Napoléon III is only the second edition, barely modified, of the government of Napoléon I; the [9] maxims of the one are those of the other; and the same though directs them. Let us judge the first Empire by the second; let us judge the second by the first. As for the pretention of having *saved* the Nation from anarchy and pillage by the coup d'État, it is only one of those miserable pretexts with which tyranny is dressed up, everywhere and always, which are refuted by their own contradiction. A nation can have only one thing to fear, no matter the difficulties it finds itself in: to lose its liberties and its rights. From which it results that the only manner of saving it is to respect right, and see that the law are observed, that the observers themselves must maintain the constitution and liberty. The history of the last twelve years demonstrates it.

7th QUESTION.—What punishment must be inflicted on Louis-Napoléon Bonaparte ?

Response: Unanimously, the punishment due to *perjurers*, to *public concessionnaires*, to *assassins*, to *corrupters of morals*, to *parricides* and *tyrants*, death, seven times death.

(Proceedings with be made against Napoléon, son of Jérôme,
Morey, Mathilde, Walewski,
the Empress *Eugénie of Teba*,
and all the accomplices of the coup d'état and makers of the Napoleonic tyranny.