

— DRAFT TRANSLATION —

ELECTIONS OF 1863

THE SWORN DEMOCRATS

AND

THE REFRACTORIES

In 1851, during the first elections that took place for the Legislature, I declared myself, in an occasional work (1), a partisan of the vote, and I therefore disapproved of the conduct of the three deputies who, in the session of March 30, annulled their election themselves by their refusal to take the oath.

I considered that, despite the immensity of its disaster, the republican party should seize the first opportunity to make an act of presence, and above all of faith; that it is on the morrow of defeats that vanquished Ideas must rise again by beginning the critique of the reigning ideas; that a refusal to take an oath was not sufficient demonstration; that General Cavaignac, to cite only him, had better things to do than shelter his dignity in a useless retreat; and that the greatest interest of the Democracy, the first duty of a true republican, was, putting aside all personal repugnance, to signify to the new order of things, by a proud attitude and a series of conservatory acts, the imprescriptibility of our right and the immortality of our hope.

These reasons were serious, and I have little doubt that, if similar circumstances arose, I would give the same advice again. Above all, you have to live, you have to show yourself. This is why, as a general thesis, by principle as much as by character, I am for the politics of discussion and action: this little writing will furnish further proof of it.

Add that in 1852 the name REPUBLIC was retained; Louis-Napoleon had been made, by the plebiscite of 1851, only a ten-year president; the oath required by the Constitution of January 14, 1852 was not imposed as a prior condition for candidacies; the municipal legislation of 1855 had not come to lessen the liberty of the electoral colleges and to restrict what I will call in the course of this writing the institutional power of universal suffrage; the natural groups had not been broken up, as has been done since, by arbitrary circumscriptions; the general security law did not threaten individual liberty; that relating to the distribution of bulletins did not hinder the action of the committees; we were at the beginning of a new regime, which had neither given its measure nor proved its worth, but which it was permissible to foresee that it would not be long in wanting to change its title of Republic for another more ambitious one. To enter the Legislature in March, 1852, was to protest in advance against the plebiscite that was to be called on November 21 of the same year, by which Louis-Napoleon was raised to the imperial dignity.

The Democracy, a prey to its resentments, did not at first enter into these considerations. In September 1852, when it was a question of giving successors to refractory deputies, it persisted

in requiring its new candidates to refuse the oath: on my side, when an envoy from the Democratic Committee came to Lyons to propose this candidature to me, I had only to decline a mandate was, in my eyes, useless.

In 1857, the Democracy, tired of doing nothing and being nothing, feeling death invading it, impatient to return to political life, thought it necessary to change tactics. On other advice, and after a new refusal of the oath, they resigned themselves to swearing. Did you think that an oath taken only by hand, by means of a direction of intention or a mental reserve, would find itself annulled by right, and that, considering the urgency and the constraint, there was no longer any need to worry about it?... Be that as it may, as in 1851 I had been of the opinion that I should enter the Legislature, even under the condition of the oath, they did me honor of proposing to me, in Paris and in Lyon, two candidatures which I refused one and the other. For what reasons? That is what I want to explain.

I will confess, however, that in 1857 I was far from being able to explain my conduct with the same certainty of reasons as I will presently. I had not studied the imperial constitution nor realized the nature and power of universal suffrage. I also lacked the testimony of numerous facts: all I could have said was that the situation seemed suspicious to me. Asked to support the vote by some writing, I realized, when I wanted to get down to work, that the principles were slipping away from under my feet, that good faith as well as logic were going to fail me: I resolved, consequently, to abstain and remain silent. On the one hand, it seemed to me inappropriate to advise against a vote against which I then had no more arguments than I would have had for it; on the other, it was repugnant to me to take an oath that half my electors would have reproached me for as treason, had they believed me capable of keeping it, and I feared, by remaining faithful to it, to commit more than I wanted to a system that, in many ways, was leading, in my view, to the destruction of the ideas and institutions of 89; which, instead of developing universal suffrage in its lofty scope, tended, by a false interpretation of the Constitution, to reduce it.

To those who would reproach me for this slowness of resolution, I will say for my only excuse that I do not have the gift of first sight; that the more a man has contracted the habit of reflection and dialectic, the less he is capable of taking a sudden resolution; that in any case, if I have not given evidence here of a prompt spirit, I have at least acted with loyalty and disinterestedness. In 1857, as in 1851, the party for which I decided was precisely that which pleased the Democracy the least; I was accused of contradiction: how many have the courage to sacrifice thus, with their pride, their popularity?... By my refusal of candidacy, MM. Hénon and Darimon were elected: I therefore had the chance of a double election; I could therefore hope, whatever the city for which I would have opted, to give the Socialist Democracy two votes out of five that the Democratic Opposition ends up obtaining in the Legislature. How many, for a scruple, for a doubt, know how to resist the suggestions of ambition and vainglory?

I believe I have acquired more than anyone the right to express my thoughts on the elections that are being prepared, especially since the situation has become clearer, and today it is not a question of a need for resurrection, as in 1852; nor from a vain and sterile opposition, as we had from 1857 to 1863; nor of personal repugnance, which for me has ceased to exist: it is a question of the very principles of our public right, of the greatest interests of the Country and of the State.

Although our revolutionary era is already seventy-four years old, we are, so to speak, newborns to political life. Like all societies in times of transformation, we constantly stumble over our principles; we make a perpetual jumble of the ideas of the past and those of the future. The institutions we are looking for have only shown themselves so far as ideas, as metaphysical abstractions: we have not penetrated either their philosophy, their economy or their scope; we have not contemplated them in their extent; we do not know their procedure and incompatibilities. We lack the body of doctrine and we do not know where to start applying it. Undoubtedly the Revolution dug an abyss between the old society and the new society, and it is absolutely impossible for us to regress. But for all that we are not advancing: the Democracy is agitated, is consumed on the spot, without managing to take an effective resolution or even to agree. If it tries to take a step forward, it does so recklessly. Hence the trouble and anguish that demoralize us; hence that spirit of indifference, Machiavellianism and intrigue that dishonors us; hence, finally, as a necessary consequence, the appearance of despotism that the government has taken among us.

My attention awakened by the noise of the next elections, I observed more closely our political system, such as the last eighty years reveal it. I believe I can throw an unexpected light on this system today, and reveal one of the deepest secrets of the Revolution, by giving, with the interpretation of the Constitution of 1852, the theory of this formidable machine that one calls *universal suffrage*.

Let the voters, the candidates, the electoral committees, the journalists and the publicists, let the party of action and that of the resistance, let the opposition and the government, let those who want to vote and those who prefer to abstain, let everyone finally read and, like me, reflect: and, whatever the resolution that everyone in his conscience will have taken, whatever the names that will come out of the ballot, I dare to predict that the result of the next elections will be immense. The situation will have changed and great progress will be made. We are stationary only because we cannot see ahead: let the light shine, let France recognize itself, and the time lost will soon be regained. The reflection of peoples is the beacon of empires; our real enemy is our willful blindness, routine in the upper classes, prejudice and passion in the masses, contradiction and arbitrariness in government.

§ 1. — Universal suffrage the basis of French public right. — Fundamental difference between the Charter of 1830 and the Constitution of 1852.

The establishment of universal suffrage in February 1848 legally constituted the French nation into a democratic society.

Whatever one thinks of the present state of this democracy and of the results of universal suffrage, of the political and economic capacity of the first, of the sincerity and intelligence of the second, of the stability of the government that has been the product and of the progressive or retrograde tendencies it displays; the few reservations finally that we make, either in favor of the principle that governs us and of the government which is supposed to express it, or at the expense of both; in right, I repeat, and to a certain extent in fact, France is a democracy. Universal suffrage is sovereign.

Volumes have been written on the Charter of 1814-1830, fifteen years out of date; on parliamentary usages, which tend to be reestablished; on the electoral system that served as the basis for this Charter, but to which it is unlikely that we will ever return. To my knowledge, no one has studied, at least with the same philosophical diligence, the Constitution of 1852; much less still has the spirit of universal suffrage, the conditions of its exercise, and above all its power of institution been studied. The Constitution of 1852, and the universal suffrage on which it rests, in the same way that the Charter rested on landowner franchise, seem to have been despised, the first because of its autocratic character, the second because of its popular character. What a strange preoccupation with the happy medium! As if one could get the better of a political system by disdain and hatred, or of an idea by silence!

The first reflection suggested by the Constitution of 1852 is that the universal suffrage to which it belongs, wherever it has been practiced, has always received its institution from a democratic-republican party, never from an emperor, from an aristocracy or a king; and that once established, this same suffrage constantly turned against its authors and produced, instead of the Republic of which it was supposed to be the expression, a perpetual dictatorship, the empire. It is thus that at Rome democracy ends by way of universal suffrage in Caesarism; in France, the people of Danton, Robespierre and Marat voted for empire seven times: in 1800, 1802, 1804, 1815, 1848, 1851 and 1852. Where can such a reversal come from? Up to the present the republic, like the constitutional monarchy, has had as its condition of duration the preponderance of an aristocracy or bourgeoisie; popular intervention has always been fatal to it. Would the reconciliation of universal suffrage and the republic be impossible?...

A second thing, no less important, to observe in the Constitution of 1852 is that, despite its autocratic and absolutist appearance, it is essentially and indefinitely modifiable; consequently it is resolvable, transitory and, so to speak, metamorphic; that it can be, at will, remodeled, reformed, transformed, replaced, without society experiencing the slightest disturbance. On the other hand, universal suffrage, the basis of the Constitution, the expression of social sovereignty, presents itself with a character of fixity, irremovability and absolute immutability. Undoubtedly, universal suffrage can reconsider its decisions, annul its acts, reverse its judgment, change the forms of its government; but it cannot restrict himself, lessen itself, burden itself with obstacles, impose conditions on itself, change his nature, admit exclusions, degrees or privileges, without compromising the whole system: it remains identical and adequate to itself, or it ceases to be, and society with it. — It is quite different with the system of 1830: here, it is the base, I mean the landholder franchise, at two or more degrees, that is, like the majority and the ministry, the variable element, while the government agency is the fixed element. In the 1852 Constitution, government pivoted on universal suffrage; in the Charter of 1814-1830, it is the electorate and the country with it that swirls about power, about the state. A rather unexpected consequence of this opposition is that, in the Charter system, dynastic right and the royal prerogative, integral parts, essential conditions of the Charter, are by nature indisputable, the government cannot be touched in its form without the whole society being shaken; while, in the imperial system, the constitution is independent of the dynasty, so that one of these two elements, the dynastic principle or the Constitution, can be supposed to be abrogated, without the abrogation of the other following. In short, no charter without a dynasty, no dynasty without a charter: that is what the history of 1814 and 1830 uncovers. Here, on the contrary, dynasty and constitution are joint things, not interdependent or related, which is also shown by the history of 1799 and 1804, of

1851 and 1852. This is what makes the originality, and, from a certain point of view, the profundity of the imperial constitution.

The elective principle, or rather the principle of the sovereignty of the people, being therefore preponderant in the Constitution of 1852, it is to it above all and to its operations that the publicist must attach himself. First of all, what is the thought of universal suffrage? What secret idea animates it? What is its aim, its object, its end? To this question, the Constitution of 1852 answered: Universal suffrage and the government it created are intended to apply and develop the *great principles* of 89. Thus it is to the tradition of 1789 that universal suffrage refers; it is as interpreter and continuator of the Revolution that it poses. There is nothing mystical about its mandate: it is a work of logic and application that it has promised to accomplish. It would be unfaithful to itself and destroy itself if it could forget its destination and its origin.

This first point resolved, another question presents itself: What is the mode of manifestation of universal suffrage? What are the conditions of its exercise, the guarantees of its authenticity, the forms of its verdict? What is its power?... Here the Constitution of 1852 shows itself very reserved, and it becomes essential, to make up for the insufficiency of its data, to go back to the very idea of the Revolution.

§ 2. — Universal suffrage interprets revolutionary thought

Ancient society claimed to belong to a superior, supernatural, celestial order. According to the idea it had of human destiny, of morality and its precepts, of justice, of the rights it creates and the duties it imposes, of the state and its institutions, it refused to believe that the social order rested on a purely rational basis, and it attached itself, through revelation, to the Divinity. Politics and political economy, with it, are intimately linked to religion. All institutions bore this double character: marriage was both a civil and religious commitment; the Church and the State, distinct from each other, but inseparable and equal, remained united and, so to speak, coupled like the two columns of the social edifice. This has been called the system of divine right. Right being thus given all at once: 1st, in religion, that is to say in the Holy Scriptures, in the decrees of the councils and the bulls of the Popes; 2nd, in the immemorial traditions of peoples that were derived from primitive revelation, and consequently in the dynastic principle, the hierarchy of castes and the solemn transactions of the Orders united under the presidency of the Crown. It was in this spirit alone that the multitude was formerly consulted: the acts of popular spontaneity passed for manifestations of the divine will, *Vox populi vox Dei*. It would have been regarded as absurd, immoral, impious, to have an assembly of jurists discuss, and submit to entirely human deliberation by universal suffrage, the constitution of society and the government of the State.

The spirit of this society was therefore a spirit of absolutism and immutability. Right and law being conceived as a decree emanating from on high, justice, in principle and in fact, was subordinated to authority, which, instituted from heaven and its representative on earth, was preponderant and inviolable.

The Revolution conceived of the social order in quite a different way. It had been noticed that, in spite of the affectation of absolutism, everything incessantly changes in humanity, and that civilization is produced by a series of metamorphoses. Philosophy having shaken faith, heresy

having divided the Church, it was felt that Right, the soul of societies, should rest on something other than a revelation subject to so many doubts.

With regard to DIVINE RIGHT, the Revolution therefore affirmed the *right of man and of the citizen*, that is to say that, without denying or affirming the Supreme Being, without concerning itself with divine things, it laid down in principle that Right had its hearth in the conscience of man; that it was useless to seek for it another origin and another sanction; that the law derived from this immanent Justice, and had in itself nothing mystical or revealed; that thus society was autonomous, since it carried its legislation within itself; that moreover it was perfectible, or, as we say today, progressive, like all the creations of nature.

Divine right denied, religion set apart from politics, the Church no longer simply distinguished but radically separated from the State, faith declared an individual and free affair, the sovereignty of the people naturally replaced that of the pontiff and the monarch. At the same time, the importance of the dynastic principle was considerably lessened; the institution of nobility, the feudal regime were abolished, equality before the law proclaimed; the authoritarian regime was succeeded by the liberal regime, and it was concluded that, the human race being perfectible, progress should consist in the progressive education of the people by the people organized, freed from the patronage of potentates and castes.

From the absolutist essence that it had been until then, the government therefore became republican in essence. What do we mean by *Republic*? The republic is a state system in which, unlike what existed in the past: 1. Justice, formerly deemed divine command, and for this reason subordinate to authority, is declared a social faculty, and consequently superior to authority; 2. Religion, dogma, the Church, the government, the dynasty and all that is attached to it, reputed formerly to be indisputable things, are delivered up to the controversy of opinions; 3. the inequality of conditions and fortunes, originally considered as a law and a social necessity, must henceforth be combated and incessantly attenuated by democratic institutions; 4. finally, there is no longer any reason of State but Right, since Right is sovereign, *Despotes ho nomos*, as Paul-Louis said. This is what the Republic is; and, whatever improvements it still awaits, whatever trials it must undergo, it can be affirmed that, since the last convocation of the States-General, the French nation has had, at bottom, no other government.

But if society possesses its own legislation, if justice is immanent to it, how is it expressed? What is the mode of manifestation of the law?

The social reason has manifested itself in all times in a thousand ways: the Champ de Mai, the *placitum*, *comitia*, elections, senates, assizes, courts, councils, states general, parliaments, assemblies, clubs, feasts, mysteries, civic and religious festivals, theaters, writings, newspapers, academies, etc.

Today, by virtue of the Constitution of January 1, 1852, and of the decree of February 2 of the same year, the principal, solemn mode of the manifestation of the will of the country is universal suffrage.

Such is the institutional relationship between universal suffrage and the Revolution. We see from this exposition that one is nothing without the other; that to affirm this or that is to affirm them

both; that if, in full divine right, universal suffrage had been proclaimed in the sense in which we understand it today, it would have produced the Revolution; but that, on the contrary, divine right having been denied first, and the Revolution having been produced first, universal suffrage was to be the consequence.

This transformation did not take place abruptly; it has been the work of centuries: one can even say that at no time has the right of man, although in a minority, failed to protest against divine right. One thing only remains true, and that is that for thousands of years, officially or tacitly, under all regimes, divine right prevailed, and the reversal took place against it, in a decisive manner, in 1789.

§ 3. — Conditions, guarantees and forms of universal suffrage.

It is no small matter to know, in an authentic way, the thought of a whole people; and just as the question of the competence of the State is the greatest of all those relating to government, so the organization of universal suffrage may be said to be the greatest of all those relating to the social order.

1. Suffrage is *universal*, that is to say, it must bring together, without confusing them, all rights, all opinions, all interests, each according to its nature, needs, character, aspirations and its origin. The universality of the suffrages caused the disappearance of the electoral qualification, preserved under the constitutional monarchy, but which, in spite of the superiority of intelligence attributed to it, was nonetheless an attack on the principle of the Revolution and a remnant of the old regime. By reserving to a class of citizens the exercise of political rights, it thereby provided them with a means of re-establishing feudal servitude for their own benefit.

2. Universal suffrage is *synthetic* in its expression, not *simplist*. Indeed, since the opinions, interests and rights it represents are different, often even antagonistic, and universal suffrage aims, through its votes, to provide the basis for a transaction, the idea emanating from the scrutiny is necessarily a synthesis. If all the electors had the same opinions, the same rights, the same capacity, the same fortune; if they exercised the same industry, if they were in every respect alike, universal suffrage would be useless, there would be no need for a poll. The first comer being able to express the common thought and vote for everyone, there would be nothing better to do than to rely on the prince and the government. The simplism of ideas, the identity of interests would bring society back, by the right of man, to absolutism.

3. Universal suffrage is *direct*; that is to say, it decides directly, without intermediary, on the questions submitted to it, such as, for example, the election of deputies to the Legislature, or the appointment of the President of the Republic. This prerogative results from the notion of human rights, excluding any caste difference. The suffrage with several degrees, just like the restricted suffrage, is a derogation from the principle of the Revolution, a feudal stigma.

4. Universal suffrage is *independent* and always *equal to itself*. — This results from the notion of the *sovereignty of the people*, which admits neither decadence nor degradation.

5. Universal suffrage is *deliberative*, not consultative. Indeed, the Head of State, whatever his title, is only the agent of the people who add to him for advice other agents, the deputies. It is the

opposite of the old regime, where the monarch, the nobility and the clergy being the representatives of divine authority, the people had no will to express, no injunction to make, and could only be admitted to present on his knees, through his deputies, his very humble solicitations and remonstrances.

6. If universal suffrage is deliberative, this presupposes that voters enjoy the ability to *meet*, *discuss* and *consult* one another, as, when and as much as they see fit. Here again, the system of the Revolution shows itself to be entirely the opposite of Divine Right. As much as the old regime affected infallibility, a consequence of its religious dogmatism and its absolutism, so much the new is quick to recognize itself as subject to error, not with the aim of invalidating the authority of the people, but precisely in order to make its fallibility one more claim to autonomy. God alone, and his Church, and his Anointed, can claim to make eternal laws and to render irrevocable judgments: universal suffrage boasts of the inalienable faculty it has of revising itself.

Such are the conditions and guarantees of universal suffrage. As for its forms, they are those of all deliberative assemblies: I reduce them to three.

a) In order to cast their votes, the citizens form themselves by *groups* or electoral *colleges*: the reason for this does not come only from the immensity of the distances or the enormity of the population, which makes impossible, in a country like France, the meeting in a single place of several million voters; it derives from the *synthetic* character of universal suffrage, which requires that not only all citizens be called upon to vote, but that the votes are formulated as far as possible according to the natural grouping of opinions and interests, the specialty of professions and rights.

b) Universal suffrage, although synthetic, and precisely because it is synthetic, only decides on simple questions, that is to say, questions that can be decided by *yes* or *no*, *for* or *against*. It cannot be otherwise. A writer, a speaker can examine, go through a complex proposal in a speech; an assembly, a fortiori an entire people, cannot, since because of the divergence of opinions and interests that must all be taken into consideration, each admits certain things, rejects others, requires the introduction of new ones and the modification of the rest, so that the same project, subjected to the reason of the majorities, returns quite different from what it was leaving the hands of its author.

This is why the overall vote, without division, of a constitution or a law proposed to the people, is inevitably tainted with surprise and error, and is consequently more or less reproachable. In 1848, in the elections for the presidency, five and a half million votes were given to Prince Louis-Napoleon: there was nothing to say. In 1851, the same Louis-Napoleon was re-elected by seven and a half million votes, *with power to make a Constitution according to the bases established in his proclamation of December 2*. These bases were five in number. Here, I will allow myself to say that the question went beyond the bounds established by usage; that in ordinary times public opinion would not have failed to demand that the question be divided. The people, in whose favor the universality of the right of suffrage had just been reestablished, did not want to look at it so closely: they blocked everything.

c) When, in a deliberative assembly, in a meeting of electors, etc., the voters do not consider themselves sufficiently enlightened or sufficiently free, or that the alternatives of the question equally displease them, they express their opposition by not voting: this is called abstention. — If the ballot is secret, *abstention* is manifested by the filing of a *white ticket*.

The question of the electoral grouping and that of abstention being today of major importance, we will insist on it in a special way.

§ 4. — Of the Importance of Electoral Circumscriptions for the Operations of Universal Suffrage, and of Abstention.

In a legislative assembly, in order to facilitate the work, to provoke opinions, to ensure the manifestation of the truth and the triumph of right, one first studies the bills submitted to the assembly behind closed doors. To this end, the deputies are divided by *boards* and *committees*.

The boards are groups formed by lot.

The committees are formed by the free choice of the deputies, who classify themselves spontaneously and meet according to their personal aptitudes or specialties. There is a *war* committee, one for the *navy*, one for *justice*, one for *finance*, one for *public education*, etc. It is the principle of the separation of powers or division of labor that is reproduced here and presides over this formation.

Every bill is first studied in the committees, then sent to the boards, finally submitted to the examination of a *commission*, composed of as many members as there are boards, finally, and on the *report* of this commission, discussed in public and general session.

This procedure, the principle and reasons for which I do not have to explain further, also applies to the operations of universal suffrage. The electoral sections, corresponding to the boards and the committees of the assembly, are the provinces, departments, districts, cantons, communes and corporations. The decree of February 2, 1852, in agreement on this point with the former laws, recognizes this principle, when it requires, for the inscription of the citizen on the electoral list, *six months*, at least, *of residence in the commune*. Affairs are discussed from the point of view of each locality, large or small; the deputy is appointed accordingly, and it will be from the fusion or synthesis of these diverse opinions, from their transactions and their balancing, that the law will result, the pressure of collective thought.

The preservation of natural groups, like the division of a chamber into committees, is therefore, for the exercise of electoral power, of the greatest importance: it is an essential condition of the vote. Without it, there would be no originality, no frankness, no clearly marked significance in the votes. — We see here in what profound error were those who, in 1848, imagining that universal suffrage would represent the thought of the nation so much better as it would be freed from all spirit of locality, demanded that the entire French people vote on one list, just as one voted in the departments. The destruction of natural groups in electoral operations would be the moral destruction of nationality itself, the ruin of universal suffrage, the negation of the thought of the Revolution.

With regard to abstention, the same analogy is observed between the operations of universal suffrage and the labors of a legislative assembly. In this regard, I regret to say that the authors of the *Electoral Manual* fell into the most regrettable blunder.

"The voter *must vote*," they write in an absolute tone. — "Abstention, when it is caused by indifference and selfishness, is culpable; sometimes inspired by nobler sentiments, IT IS ALWAYS STERILE: *experience condemns it. Whoever abstains cancels himself.*"

All this is of the ultimate falsity. There are many other causes of abstention than indifference and selfishness, or the feeling of sterile dignity, to which the writers I have just quoted allude; then abstention is not reprehensible, it is obligatory, and experience proves that, in this case, the one who abstains does not annul himself, he commands. In their zeal, which I do not intend to blame, to stir up a powerful opposition to a government without checks, in their desire to recruit electors for the cause of liberty and to overcome the general apathy, the authors of the *Manual* do not perceive that they themselves mutilated the electoral power, by striking with reprobation one of the most important, and in certain cases, the most effective faculties of the elector.

Abstention, or the silent vote, as legal and no less significant than the articulated vote, is always optional for the deputy who does not consider himself sufficiently informed, or who is equally displeased by the various parties proposed to him. It becomes obligatory, it is the first and holiest of duties, when the question submitted to the vote is equivocal, insidious, inopportune, illegal, or when it goes beyond its jurisdiction; when tyranny, frowning, enters unduly into the temple of law; when the riot rumbling at the door, or the flash of bayonets closing the discussion, do violence to the freedom of the legislator. What do we call an *agenda* if not a more or less energetically motivated general abstention? What made the glory of Boissy-d'Anglas, in the famous session of 2 Prairial, if not still the most heroic of abstentions? However, I maintain that what is the rule for the deputy is also the rule for the voter: the latter must abstain, when more is asked of him than is his right and his dignity to grant, when the forms, conditions and guarantees of universal suffrage appear to him to have become insufficient. What would have happened, on December 20, 1851, if the electors, judging that the question put to their vote was too complex, had asked for division, and meanwhile had abstained? Supposing that the will of the people had been to re-elect Louis-Napoleon, the Constitution would probably have been maintained, new deputies elected by the people and a compromise should have been made between the head of the executive power and the holders of legislative power.

It was up to the authors of the *Manual* to explain all these things to the voters; to show them the extent of electoral power; to make them understand that, in what I have called the forms, conditions and guarantees of universal suffrage, are contained in germ, and already in action, all the principles and rights of the Revolution; to imbue the people with the spirit of the new system: things far more important than the regulation of the ballot, the formalities of the candidatures and all the electoral machinery. Stripped of these *forms, conditions, and guarantees*, with which it is conceivable that the legislator was not at first concerned, universal suffrage would cease to be a progress; it would no longer respond to the spirit of the Constitution, eminently perfectibilist of 1852, and it would fail in its own dignity.

§ 5. — That, under the conditions imposed on it, voting is impossible. — First motive: universal suffrage is placed under the directing influence of the government.

Thus, the first thing to do for an electoral assembly, as well as for a parliamentary assembly, is to ensure that all the conditions of freedom and sincerity of the vote are fulfilled: if only one were violated, the ballot would be tainted with unconstitutionality, violence, therefore fraud; it would not be legally valid, and the vote would have to be declared void. In such a case, I repeat, abstention would not be, on the part of the elector, an act of *culpable indifference* or *sterile dignity*, any more than it would be a seditious plot or a cabal of malevolence; it would be an act of conservation, a reminder of law and right, the most positive, categorical and peremptory thing that can be imagined.

Let's apply these principles to the current situation.

Democracy has today emerged from the torpor into which it had been thrown on December 2; it showed itself in the elections of 1857; it finally lives, and we must congratulate it. Care for its liberties and its rights seems to have recaptured it; a commendable ardor animates the electorate; committees have been formed; a crowd of young orators, excited by the example, burn to put their talent at the service of the most just of causes, and already one disputes the honor of the candidatures with a zeal which one would easily suspect of ambition, if we did not know that it is inspired by the purest patriotism. What do we have to do in the current situation? And first of all, under what conditions are we being invited today to produce our votes? It is strange that out of about sixty lawyers who, both for the drafting of the Electoral Manual and on the occasion of the census lists, have dealt with the elections, not one has thought of carrying out this examination.

In the first place, is universal suffrage independent? I mean, does universal suffrage in fact enjoy such spontaneity as its legal supremacy presupposes and as the spirit of the Constitution requires? — Yes, replies the government; for the ballot is secret, and no one is forced to vote. This just proves that we still do not really know what universal suffrage is.

In the rage for the unitary, autocratic, centralizing idea, the government has clearly declared, through one of its ministers without portfolio, M. Baroche, that, by nature, by essence, universal suffrage does not seem to him, would never seem to him capable of being left to itself, to its spontaneity. Indeed, as we have observed, universal suffrage is fallible; it derives from this fallibility the right to revise itself, and such is the characteristic that fundamentally distinguishes it from divine right. Therefore, concludes the orator of the government, the superior direction of the State becomes the indispensable safeguard of the electing people. Hence the governmental candidacies, presented directly by the Power, apart from the initiative of the citizens, even friends of the government and partisans of its policy.

A democrat — what am I saying? — a man simply informed of the ideas of 89 and of the spirit of the Constitution of 1852, whatever the party to which he belongs, even if he were not of any party, cannot accept this claim of the Power. It cannot admit candidacies that, in good faith from the start, I am willing to grant, would soon be no more than the product of the confusion of the functions of the prince with the attributes of the sovereign, would upset the political balance and destroy the economy of the system.

The imperial government seems to have been inspired in this claim, which I dare call extra-constitutional, by the practice of the governments founded in 1814 and 1830. But the conditions are not the same. Public law under the Empire is no longer at all what it was under the constitutional monarchy.

Formerly, under the Restoration and the July Monarchy, Power was exercised by a responsible ministry, the product of a parliamentary majority, opposed by an opposing minority: this ministry was therefore party leader; it could not be anything else. The king, declared inviolable, irresponsible, was outside the debate. The ministry could consequently have its candidates, as well as the opposition had its own. By proposing them, by admitting them, it was only appearing itself before the electoral assizes; it was defending himself. It is by virtue of this principle that any deputy arriving at the ministry was subject to re-election. The fault of the ministers, for which they have been constantly reproached, was to make themselves an instrument of power itself in the electoral struggle; to distribute places, subsidies, secret funds; to get the prefects to act; to lean on what belonged neither to them nor to their party, but was the common thing, immutable, entrusted to their custody, to sometimes go so far as to bring in the royal person, declared inviolable: all things contrary to the spirit of the Charter. This depravity of constitutional morals by the ministers was one of the causes that brought about the fall of the two dynasties.

Today the Emperor alone governs; he is responsible; ministers cannot be personally questioned; their fall cannot in any case be considered as the sanction of the parliamentary power. The latter in turn has no initiative: it accepts or rejects the laws proposed to it by the government; but it makes no proposals, it receives no petitions; it votes on the tax, that is true, but it does not have the upper hand in the government. It is allowed to discuss, in moderation, the acts of power; but it would not dare formulate a reprimand; it would go beyond its powers and almost act in revolt.

The consequence is that, the Emperor being *responsible to the French people*, the control of the government takes place in a serious, real, effective manner, only by ballot, before the electoral *comitia*, organs of the national community.

How then could the Head of State, grand elected official, sole ruler and responsible party, having all the means of action and influence, be at the same time a grand elector? How, as an agent of the people, would he be called upon to control his own government through deputies of his choice? How did Mr. Baroche not see that these two attributions are incompatible? How can we imagine that, faced with the imperial omnipotence who had become a candidate for the Legislature, there would ever be found a mass of voters sufficiently disinterested and numerous enough to appoint a majority contrary to the policy of the Head of State? When has such an energy of will, such a height of intelligence been seen manifesting itself in a nation?... Let the government have its partisans, its candidates whom it avows, and who take its defense in the electoral *comitia*, that is fine; but that it produce them himself, that it authorizes them, the bosses, and that, for more certainty of success, it is in charge of the policing of the elections, of the delimitation of the groups, that is what seems exorbitant. There is here both a principle of subalternization and a ferment of discord that the legislator could not have wanted.

Between the regime created by the Constitution of 1852 and the electoral claims expressed by Mr. Baroche, there is therefore incompatibility. One of two things must occur: either you will

return frankly to the parliamentary system, if you want to act in the elections; or, if you prefer to preserve your omnipotence, combine the *legislative* and the *executive* functions, you will refrain from appearing at the polls, except as an agent who comes to render his accounts, as subject to universal suffrage. Otherwise, the duty of citizens commands them to abstain, by which I mean to call you to order: I am surprised, once again, that for ten years so many lawyers, publicists, journalists, candidates, who stun the public with their demonstrations of liberty and independence and pose as orators of the opposition, have not said a word. To pose as a candidate in such circumstances, and to call himself a man of opposition, would be the most egregious of mystifications, if not the most incredible of blunders.

§ 6. — **Second motive: Does the faculty of meeting and discussing publicly the acts of power exist?**

I read in the *Electoral Manual*, page 33:

"There are only truly free elections if the voters have the right to meet to discuss the candidacies."

The authors of the *Manual* should have added, "*and government policy.*" Why didn't they?

"Before December 2, 1852," they continue, "electoral meetings were recognized by the constitution and regulated by laws that are no longer in force. The decree of February 2 said nothing of these meetings: by that very fact it maintained the law; there is no doubt. But since then came the decree of March 25, 1852, which made *public meetings of any nature* subject to the need for authorization."

Thereupon you expect that the commentators will conclude with the contradiction between the aforesaid decree and the practice of universal suffrage, consequently with the nullity of the decree; otherwise, and in the event that the government would give this decree an abusive extension, to the impossibility of voting. But no: the authors of the *Manual* are people of composition. Above all, they want us to vote, at all costs. They recognize that if the decree of March 25 were to apply to electoral meetings, it would be unconstitutional; that it should therefore be given only a dictatorial and transitional character; but they add that, if however the imperial government persists in attributing to it a scope which it does not have, at least there is reason to believe that it applies neither to *meetings composed exclusively of registered voters*, nor to those *made up of people individually summoned*, because both of them, limited to certain people, to certain qualities, cannot be deemed to be PUBLIC MEETINGS; that in any case *private meetings* are free.

What do you expect a people to become when it is thus enlightened on its liberties and its rights, led from failure to failure by its advisers? Into what aberrations will a power not throw itself if it encounters around it a counterweight with so little resistance? Such transactions are treachery both to the government and to the nation.

The right to meet and discuss, not only the candidacies but the policy and acts of power, results for the voters: 1) from the great principle laid down in 89, that Justice, that is to say Sovereignty, is immanent to the people; 2) because the universal suffrage that expresses it is the principle, the base and the pivot of the government; 3) because this vote is fallible, consequently revocable and

always subject to revision; 4) because it is independent; 5) because it has deliberative and not merely advisory powers; 6) because it expresses itself, not in *private meetings*, which would not fulfill the purpose of the institution, but in PUBLIC ASSEMBLIES, formed according to the law of natural groups.

So that the private meetings, which the authors of the Manual propose to the electors as the last refuge of their freedom and their sovereignty, are precisely one of the things from which the electors should most abstain, if the more or less obscure text of a police law did not unfortunately make those meetings a necessity for them.

What are we to conclude from this? a very simple thing; is that the government must be invited to explain the meaning and the scope it gives to the decree of March 25, 1852, given that if this scope were such, in the mind of the government, as the *Electoral Manuel* insinuates, voting would become impossible. There would be a contradiction between the constitution of January 14 and the decree of March 25; universal suffrage and the government on which it is based would become antagonistic. Such inconsistencies cannot be tolerated: the honor of a country and the dignity of its citizens are at stake.

Those who are pushing the people to the ballot do not stop crying that: "The Legislature is the only place where from now on opinion is allowed to make itself heard." And they do not see that, if this is so, it is precisely the case, not of appointing deputies, of agents without a mandate, since the content of this mandate could not have been discussed and defined, but of keeping silent.

§ 7. — Third motive: The press is not free.

I leave aside the hackneyed commonplaces so often repeated on the subject. The reader expects something newer from me, above all something more frank.

Under the old regime, the press was not free. The prohibition of the ability to write and publish was a principle: it was a constitutional, logical, legal, moral thing. It could not have been otherwise, with an absolute and transcendental sovereignty, in an era of dynastic legitimacy, of caste hierarchy, of priestly supremacy, of the reason of state, in a word, of divine, indisputable, irreformable right. The human spirit has none the less pursued, in this servitude, its triumphant march. What could the absolutist police do against universal thought? And then there were accommodations with heaven.

Since 1789, the press has been declared free as thought itself: in all our constitutions, except those of 1799 and 1852, the faculty is formally recognized for citizens to publish their opinions in conformity with the laws. The theory of man and that of universal suffrage would not allow less to be granted: that is the principle. In practice, we have continued to enact forceful restrictive laws, motivated, no longer as formerly by the inviolability of dogma, but by the indignity, alas! too often proven by the press. And, sad thing to say, either by the effect of this policy, or especially by the license of the writings and the abuse of the publications, the movement of the mind has experienced a slackening!...

To speak only of the times in which we have all lived, is it not true that for some thirty years, since the July Revolution, the periodical press — I have stuck to this one, except for rare

exceptions which only concern individuals — has shown itself to be increasingly weak in doctrine, incompetent, hypocritical, slanderous, a friend of monopoly, factious, scheming, unfaithful to its duties towards the country and towards the State, a trafficker in lies, exploiting speculation, venal and cowardly?... By it, ideas have been disguised, principles falsified, history obscured, public reason depraved, the language corrupted, the country mystified, opinion prostituted or reduced to silence? Oh! if I, a man of doctrine, were permitted to wish for a revolution, it would be, I confess, in the hope that it would criminally pursue this unworthy press, disgrace of the nation and scourge of the human spirit...

December 2 undertook, like its predecessors, to discipline the press. The intention could be good, and I would wholeheartedly vote for the author of the law of February [17] 1852, with thanksgiving if he had succeeded. I wouldn't complain about the conditions to which he subjected the manifestation of ideas, if at least the authorized journals fulfilled their office honestly; if, not daring to say everything, they only said true things; if they defended only just causes; if they were accurate informants; if they treated with loyalty and intelligence the questions they examine; if they didn't happen at every moment to lie, to their liking, and for money. Unfortunately, it can be said that the corruption of the press has increased as a direct result of the restrictions, repressions and obstacles to which it has been subjected; that, doubtless against the expectation of power, it became worse under the regime of December 2 than it had been under the republic of February and the monarchy of July; that by it reason and public liberties are especially endangered, the spirit of institutions perverted; that the harm would be much less if, instead of being gagged and monopolized, it had simply been suppressed all at once; and this is precisely the reason why I believe I should make this state of the press in France the object of an electoral claim.

An act as solemn as the renewal of the Legislature, especially in the presence of the decree of March 25, 1852, which forbids public meetings *of any kind whatsoever*, cannot do without publications. *Le Moniteur*, of all the newspapers assuredly the most truthful, is not enough, since it is the organ of the government, and it is the policy of the government that is submitted to the judgment of the electors. Now, how can we trust a press given over to intrigue, convinced of venality, and in flagrant relations with foreign countries? What truth can be expected of it, on the affairs of the interior and on those of the exterior? On all questions of public and international law, of general economy, of administration, of finance, of justice, of worship, etc., the country, thanks to the newspapers, is saturated with prejudices, of which only one, pushed to the bottom, would suffice to poison the masses. So that we only escape the moral and material ruin that constantly threatens us by the multiplicity and competition of our mistakes. What do we know from the newspapers about what is really going on in Greece, Poland, Hungary, Russia, Austria, Germany, Belgium? What do we know of the United States, Japan, Africa, China and Cochin China? Nothing, since the entire periodical press is subjugated, I will not say to the parties, which could be honorable, but is no longer true, given that the newspapers, instead of serving the parties they represent, exploit them and sell them; it is subjugated, I say, to financial and industrial companies, to all sorts of occult interests, which only let through what it suits them for the public to know. What do we know of our own affairs, commercial treaties, grants, expeditions, stock market, public works, etc.? Still nothing, since the so-called independent newspapers are all devoted, either to the government, which only communicates to them what it wants, or to paying influences, which also only communicate or allow people to say what they

want. A certain newspaper once accused one of its colleagues of having *farmed out* its Stock Exchange bulletin. As well would have been worth accusing him bluntly of complicity in a business of swindle. The accusation remained unanswered; but was also not reproduced, as far as I know. If, however, the press had been free, not to mention that such a bargain would have been impossible, the denunciation would have rung out, the guilty journalist reviled, and the venal paper perhaps obliged to disappear. Another, and one of the most honest, to whom a note was presented against a railway company, replied: "We receive from the Companies, year after year, 12,000 francs in passes; we cannot publish anything against them." I know someone who for ten years has been pending with the Minister of the Interior to obtain authorization to found a newspaper. Suppose that on the day when the insertion of this anti-bancocrat note was refused, the minister had granted the request of the solicitor of whom I speak, the latter would have, and I answer for it, from its first number, published the note with the journalist's answer, and immediately began war on the Companies and on the subservient press, which means, God forgive me, on almost all the newspapers.

Now journalists are not content to tamper with the publicity at their disposal, at the expense of truth and the general interest; they aspire to represent in the Legislature the country they indoctrinate, and we see them on all sides presenting their candidacies and their rival pretensions. The most amusing discussions take place between them at the bar of the electors: *Pass me the rhubarb and I'll pass you the senna*; I support my candidacy and I will support yours; let's merge our lists, and laugh at the committees. There are journalists soliciting the votes of the opposition like lawyers who, in their electoral consultations, after having denounced the iniquities of the system, conclude for the vote and thunder against abstention: all, basically, are well established regime, and aspire only to add to their professional specialty the honors and benefits of a political career.

Under other conditions, there would be no harm in a journalist receiving the mandate of deputy; but how can we not see that, in the present circumstances, there is a triple moral incompatibility between the mandate of deputy and the quality of journalist: first, because the press is not politically free; second, because from the point of view of industrial interests, it does not provide sufficient guarantees of probity; finally, because the journalist who puts up his candidacy and who at the same time forms the opinion of his subscribers, is in a situation analogous to that of the Government rendering its accounts to controllers who are its own creatures? (2)

I am not asking for the suppression of existing newspapers, God forbid! I am only saying that the situation made for the voters by a monopolized press is worse than if there were no press; and since journalism can only be improved by itself, that is to say, by free competition, I conclude that the Emperor's government should repeal the law of February 25 and declare the press free, failing which universal suffrage, impeded in its means of information, is damaged in its franchise and threatened in its principle.

§ 8. — Fourth motive: Electoral conscription.

We have seen previously, in § 4, how, in order to release the thought of a deliberative assembly, this assembly is formed into two series of groups, discussing and deliberating separately before discussing and voting in a general assembly. It is absolutely the same, as we have said, with a

great nation, called upon to make its will known directly by universal suffrage. The expression of the popular will must be, like the thought of the legislators, synthetic, which can only take place by the distinct vote of the natural groups.

This is what a deputy, friend of the government, M. Plichon, understood very well when he criticized the present constituencies and begged the government, in the interest of the Empire as much that of the country, to return to the old customs.

Before the Revolution, each province had its particular *Estates*; the convocation by the king of these various States in general assembly formed what was called the *Estates-General*. Since then, we have had the electoral colleges of departments and arrondissements, whose deputies united in the same chamber have formed the national representation. All the local thoughts came there to express themselves and blend: there was the Bordeaux thought, the Burgundian thought, the Languedoc thought, the Provencal thought, the Breton thought, Norman, Dauphiné, Picardy, Lorraine, Alsatian, etc. From all these thoughts was formed the thought of the country, the true French thought.

Today this system has almost disappeared: there is no longer any local idea, hence no longer any national idea. We see it in the weakness of will, in the graying of the Legislature, stripped of its ancient prerogatives and led, by the dependence of its position, to efface itself more and more before the thought of the government. The imperial authority, in effect, that is the national thought. And, it must be said, it is democracy that, through its aversion to all eccentric virtuality and its adoration of unity, has determined in this respect the spirit of the new Constitution. The old groups given by nature, which were formerly considered moral persons, whose free action was as respectable as that of the individual, have been dissolved.

For the government, it was a matter of applying articles 34 and 35 of the Constitution, which say:

"Election is based on the population;

"There will be one deputy in the Legislature for each 35,000 electors. »

What have we done? We have created constituencies that break and distort local thinking, and neutralize the scope of the vote. The consequences of this innovation are serious; they tend to nothing less than to annihilate political life in the towns, communes and departments; and, by this destruction of all municipal and regional autonomy, to stop universal suffrage in its development. Instead of forming a living organism, where thought is produced with all the more brilliance as the organization is more complex, the body of the nation no longer forms anything but an agglomeration of elementary molecules, a heap of dust, moved by a thought exterior and superior to it, the central thought. By dint of seeking unity, we have sacrificed unity itself.

So what happens? The department feels devoid of its own genius, seeks its inspiration from outside; the chief town follows its example. Everyone turns to the seat of government, because at home one feels that one is nothing. — Are you asking us for deputies? Well, which deputies do you want us to send you? Designate the candidates yourselves!...

What is saddest is that the democratic opposition, instead of keeping the government on this slope, is doing the same. Concentrated in Paris, it sends to the departments, in competition with ministerial deputies, opposition deputies. Thus the French people abdicate their prerogative; the spirit of freedom is extinguished, the idea of the political contract fades away, and the nationality so widely claimed vanishes. There is no more society: it is a people of praetorians, sometimes in uniform, *militēs*, sometimes in blouses or coats, *quirites*, but always evolving, as in a field of maneuvers, at the command of the great elected, *Imperator*.

Doubtless I am not claiming that universal suffrage, once or twice exercised under these conditions, was completely powerless, and that the last two legislatures should be held as unconstitutional, their labors as null and void. The institutions of a great country are not created all at once: there are long trials and errors. I simply wanted to say that, the system of divine right having been abrogated, if the Revolution that took its place is checked or distorted in the development of its idea; if the mainspring, namely individual and local sovereignty, is broken, society as a whole is put in peril, the arbitrary power not being able, even with the consent of the masses, to be prolonged, without bringing about the political death of the nation, consequently the dissolution of the State. Poland is dead from its anarchy; we perish from our excess of submission to the central power. It is up to the electorate to decide, while there is still time, and the most moderate opinions on all sides call for a reform.

§ 9. — Fifth ground: Centralization of the municipalities; City of Paris.

The foregoing considerations acquire a new force from the regime applied for eight years to the municipalities, in particular to the cities of Paris and Lyon.

According to the law of May 5, 1855, the mayor and the deputies are named by the emperor in the chief towns of the department, of the district and of the canton, and in the communes of 3,000 inhabitants and above. — In the other communes, they are appointed by the prefect, in the name of the emperor. They can be suspended by decree of the prefect and revoked by decree of the emperor.

"Municipal councilors are elected by the inhabitants; but in Paris and Lyons they are *appointed by the Emperor*."

So that the French commune has lost its independence: it is a branch of the prefecture; Paris and Lyons, as the two most considerable, saw themselves deprived of even their deliberative faculty, since their advisers, being appointed by the Emperor, no longer form a municipal council, but indeed an imperial commission.

According to the same law of May 5, 1855, the prefects still have the right, with a view to municipal elections, to divide the communes into electoral constituencies, and to distribute among these constituencies the number of councilors to be elected, taking into account the number voters.

The law of May 5, 1855, by reserving the appointment of mayors and deputies to the emperor, and by granting the prefects the right to divide the communes into distinct and rival sections, sought to prevent any hint of insurgency against the central authority. But it did not reflect that

by pursuing this end it was not only destroying the communal institution, it was seriously attacking universal suffrage and the constitution itself. How did the authors of the *Electoral Manual* fail to point out this inconsistency? How did they fail to see that between the law of 1852 and that of 1855, the first relative to universal suffrage, the second concerning municipal organization, there was an essential incompatibility, whence resulted a destructive antagonism?

"The municipalities," they say following Mirabeau, "are the basis of the social state, the daily salvation, the only possible means of interesting the people in the government and of guaranteeing all rights... It was within the commune that our fathers began the heroic act of emancipation... They in turn paid with their fortune and their blood for the political rights guaranteed by the institutions and the great principles of 1789: we owe it to them to keep these rights intact."

From such premises, only one conclusion was admissible, which is that municipal independence being intimately linked to the exercise of universal suffrage, the electors must abstain from any election for the Legislature until the independence of the municipality has been provided by a modification of the law.

For my part, I ask permission to express, in the form of a question, a doubt: can the vote of Paris, for example, be deemed valid, I do not say according to the letter of the law, but in good constitutional philosophy?

Paris, whose opinion formerly governed France, whose initiative involved provinces and departments, Paris is stripped of its autonomy; it has no communal life; its administration and finances are in the hands of the central authority. It votes, *ut capitis minor*, that is to say like a fallen, incapable person.

Suppose that we apply to communities, to legal persons, as we used to say, the principle of the incapacities provided for by the law of February 2, 1852, Paris will have to be placed in the category of subjects excluded from the vote, either because they are not in power of their own accord, or because justice has forfeited them: women, minors, the insane, bankrupts, convicts, released convicts, etc. Can a city under siege vote with dignity? Will a conquered city vote? I say the same of a town without municipal authority; it is decapitated. Paris, for reasons of State, is civilly interdicted, and interdicted in perpetuity, if we are to believe the declaration made from the tribune by M. Billault. I conceive that power, softening the consequences of the prohibition, preserved for this revolutionary Paris the faculty of appointing nine deputies to the Legislature: but how could the Parisian voters be satisfied with that? And what advice are we to give them but to take advantage of such a concession?...

If there is a reform that must seem urgent to the Emperor's government, it is assuredly this one. Paris, with the factitious existence that time has given it, is in the process of losing its nationality; Paris is already only half French. It would not be too much for the most powerful municipal organization to combat the cosmopolitan influences that besiege it and, far from the emperor substituting for the freedom of this great group his authority, he should be the first to free it from all shackles. The power of the Lord Mayor in London has grown with the City: we will never see the Queen's ministers, on the pretext that London is a city of two and a half million inhabitants, the commercial capital of the globe, replace its municipality with a

government commission. What glory for the Paris of Henri IV and Louis XIV, of the Revolution and of the first Empire, to have become the caravanserai of Europe! All foreigners meet there: some for their pleasures; the others for their personal affairs or those of their governments; none, certainly, for the exaltation of French life and nationality. What are our national liberties to them? In Paris they are comfortable, provided the police keep order there and the catch comes in. The Englishman lives in thought in London, when he is physically in Paris: so do the Swiss, the Belgians, the Dutch, the Germans, the Russians, the Americans, etc. Far from the foreigner caring about our development, he welcomes our constraint and brings us only his quota of vices. It is in this way that he gradually makes himself our master and that, while presenting himself as a guest, he acts towards us as an exploiter. The government registers among a population of 1,933,000 inhabitants for the department of the Seine 325,000 voters. I confess that this figure surprises me, and I am not one who will quibble over the lists. A fifth of the Parisian population is made up of foreigners; another fifth of those who serve them, lodge them, water them, restore them and provide for their pleasures; a third fifth includes the army, civil servants, beggars, etc.; there are not two-fifths of true citizens. We come to Paris as we used to go to the Venice carnival: Venice was also in its time a cosmopolitan city. Well, what has become of Venice? One comes to Paris as one went to Rome, in the days of the glory of the popes: and what is Rome now? Paris, you say, is the heart and brain of France. Give Paris, then, its municipal independence: otherwise, I tell you, Paris, imperial city, cosmopolitan city, city of pleasure, prostitution and intrigue, Paris, with all its luxury, is only a Babylon; it will end up like Babylon. It has nothing more to say to France; its most energetic vote will never be anything but that of a pale opposition, which a wise despotism would solicit at the price of gold, if it had not been almost certain that electoral idleness would not refuse it.

§ 10. — Sixth motive: Taking the oath.

The prior condition of the oath, imposed on candidates by the *senatus-consultum* of February 17, 1852, constitutes, according to the authors of the *Electoral Manual*, an *enormous restriction on the right of voters, who are no longer free to choose a citizen who does not present himself*. — That's all these gentlemen saw in the formality of the oath. Having said that, the honorable writers ignore it, and are only concerned with instructing electors and candidates on what they have to do for the accomplishment of this important formality.

Isn't this what is commonly called *nitpicking*? The modesty of the candidates, who, according to the rules of childlike and honest civility, must always appear to accept what too often they request without waiting for it to be offered to them, is certainly the least thing with which the legal publicist should be concerned here. Since the oath is required of the candidate, no one can be shocked that he *presents himself*; and we know, moreover, that the modesty of a parliamentary personage does not consist in these vain appearances. The real question is in the oath itself, an oath required of the deputy elected by universal suffrage, as it was formerly of the deputy elected by a body of censitaire electors; an oath that, by binding the deputy, binds the electors themselves, of which the latter consequently become participants, and, to a certain extent, guarantors. By the oath of the deputy, in fact, as by that of the candidate, the whole democracy, opposing or dynastic, as soon as it votes, finds itself sworn: it is good that it knows it, so that no one comes one day to decline its share of responsibility, whatever it may be.

What then is the value of this oath, and what should we think of it from the point of view that concerns us, that is to say, of the elections for the Legislature?

According to the newspaper report, M. Odilon Barrot or M. Thiers, I don't know which one, said in a meeting held at M. de Broglie's, that the oath could have become an embarrassing matter of conscience under an irresponsible monarch, such as Charles X or Louis-Philippe; but that with a responsible emperor such as Napoleon III, there was nothing to be concerned about.

Thus, the Orléanist or doctrinaire party agrees with the Mazzinians and the Jesuits on the manner of interpreting and evading an oath. It is worth noting. And we, Democrats or Republicans, which theory is ours?

I will not repeat here what I have said elsewhere of the political oath (3), which nullifies all the mental restrictions of the old casuists. The oath is by its nature inviolable; it is absolute, does not involve any distinction or resolute case. It is a pact of devotion, or, to put it better, a voluntary consecration of one person to another: any reservation expressed or implied would change its essence and transform it into an ordinary contract. The oath, in a word, must be respected all the same; otherwise one becomes perjured. That if the oath is repugnant to the conscience, the duty is not to take it, since if it were to be kept one would be failing in justice, and if it were not to be, one would deceive the one to whom it is taken, so that in any case there would be felony. I leave aside, I say, these considerations of morality to concern myself only with politics.

On the one hand article 5 of the 1852 Constitution declares the Emperor *responsible to the French people*. On the other hand, article 14 imposes the oath on the members of the Legislature; and the senatus-consultum of February 17, 1858, to put an end to the refusals to take the oath that had occurred on several occasions within the Legislature, made the prior taking of this same oath in writing a condition of any candidacy.

But neither the author of the Constitution, nor the senators who interpreted it, nor the writers of the *Electoral Manual*, nor Mr. Odilon Barrot and his friends, seem to have thought about one thing, which is that articles 5 and 14 of the Constitution imply contradiction and are incompatible. If the Emperor is responsible as was, before and after December 2, the President of the Republic, the formality of the oath imposed on the deputies remains without effect, since the deputies have the mandate to control, in the name of the people, the acts of government; since for this purpose they have the faculty to refuse the tax, which supposes that the said controllers are independent of the prince, not subservient by oath to his prerogative. If, on the contrary, it is maintained that this oath is valid, then it is the imperial responsibility that becomes null, both before the electors and before the deputies. What could be reproached to an Emperor who had for him the approval of his ministers, of his Council of State and of his Legislature?

The idea of the taking of the oath by deputies is borrowed either from the ancient monarchy of divine right, or from the constitutional monarchy, or from the Caesarean tradition. But in all these systems the prince was irresponsible and his person sacred. In Rome, the emperor was dictator, consul, tribune, sovereign pontiff, father of the country. For him, laws of majesty had been enacted early. One of two things must occur: either declare Napoleon III irresponsible and inviolable, and in this respect return to the system of 1814-1830; or free from the oath the deputies, agents of universal suffrage. Either way, the 1852 Constitution demands reform.

Perhaps, to reconcile these terms, it will be said that the oath of loyalty to the Emperor is addressed to the institution rather than to the prince, so that the first subject of the empire would be the Emperor himself. But, without taking into account that this distinction between the Empire and the Emperor would be, in practice, inadmissible, another contradiction would arise that would complete the logical ruin of the formality of the oath. By articles 31 and 32, the Imperial Constitution is declared subject to modification. I have shown previously, in § 1, that it was precisely on this side that the Constitution of 1852 came closest to the thought of 89, and distinguished itself both from governments by divine right and from so-called constitutional monarchies. Whereas, as I said, in these the electoral organization is the variable part and the organization of power or the forms of government the invariable part, in the imperial system it is the whole government which is subject to change, to reshuffling, and universal suffrage that remains immutable. How then could the deputy promise fidelity to a Constitution whose mutability is affirmed and foreseen, to a being of reason, independent of the person of the prince — what am I saying? — to a system of which every citizen has the right, according to article 5, to ask for the modification?

Let the democracy, before venturing into the future election, think about it: it is not a question here of scheming with the conscience by taking an ambiguous oath, much less of saving the dignity of its candidates. I feel deeply how painful the formality of the oath, prior and subsequent, is for a Republican, struck in his feelings of civic equality; but I repeat, this entirely personal inconvenience is here the least of things. It is a question of maintaining electoral sovereignty, incompatible with the oath of the deputies; to say, finally, whether the Head of State has universal suffrage as his author, as the preamble to the Constitution states, or whether universal suffrage is his creature. Two doors of perdition are open before you, voters: one which, by article 14, of sinister memory, leads you to despotism; the other which, by article 5, leads to betrayal and revolt. Armed against the prince with the responsibility incumbent on him, the deputies could, at a given moment, turn against him by declaring themselves released from their oath; armed against the deputies with the oath they owed him, the Emperor could in his turn, by a sort of moral constraint, force their consent to his most rash enterprises and render his own responsibility illusory. It's up to you if, by your votes, you want to perpetuate such a state of affairs.

§ 11. — Seventh motive: That universal suffrage is no longer equal and identical to itself.

Universal suffrage, by overthrowing the absolutist system and denying divine right, did two things: 1) it has asserted its own sovereignty; it has declared itself fallible, subject to error, and therefore always and by itself reformable. The Constitution of 1852 recognizes this, in articles 31 and 32, when it attributes to the Senate and to the people the faculty of modifying the Constitution. From the combination of these attributes, namely, the sovereignty of universal suffrage and its reformability, it follows that none of its acts can create an end of inadmissibility against another and prescribe against the will of the people, in other words, that universal suffrage, while revising and judging itself, remains equal to itself and identical.

The right to revise without forfeiting is so much of the essence of universal suffrage that one can go so far as to assign an extreme duration to its constitutions, that of fifteen years, for example, for this decisive reason that at the end of fifteen years things are no longer the same, that the

electoral majority has shifted, and that one generation cannot find itself engaged by another. It is according to this principle that in democratic States the President of the Republic and the representatives of the people are subject to re-election, while in States of divine right, the Emperor, the King, the Pontiff, the Senator or noble, the priest, the judge, etc., are irremovable.

Now, what happens with the faculty of direction that the Government attributes to itself with regard to universal suffrage; with the decree of March 25 which submits to authorization *meetings*, and consequently *public discussions, of whatever nature*; with the regime made for the press; with the reorganization of the electoral districts and the dependence of the municipalities; finally, with the taking of the oath? It is that universal suffrage, the negation of which would suffice to warn and perhaps suppress a newspaper, is in a state of subjection with regard to the power for which it serves as a basis; that it thus tends to decline of its own authority; that one is not sorry to make believe that some of its acts are irrevocable, while the others are only valid for a time; that on certain things, it would not have the liberty to retract and to decide otherwise than the government it has elected.

In a word, we would like, by the way in which the elections are regulated today, to make prevail the doctrine supported by various authors, that the sovereignty of the people is not exerted in a permanent and direct way, but that it consists simply in the cession which the people made of it when they named the Emperor, a cession of which the renewal of the Legislature every six years would only be a periodic confirmation.

Some people, for example, seem to believe that the *plebiscites*, as they affect to call them, of 1851 and 1852, are extraordinary manifestations, irrevocable in nature, and which in this respect differ from other acts, more or less solemn, emanating from the sovereign. This is a most serious error, just as reprehensible as that which would consist in brutally denying the political capacity, the competence and the legitimacy of universal suffrage. Any affirmation of universal suffrage is a *plebiscite*, and all plebiscites are equal. This word, borrowed from the language of the Romans, must not mislead the simple: PLEBISCITE, from *plebs*, the *plèbe* or the people, and *scire, savoir*, to know, is the known of the people, that is to say, a proposal emanating from its science (more or less certain), and passed into the force of law.

Universal suffrage, let us repeat, is the form of popular autocracy, indefectible and immutable. Doubtless it does not rule for eternity: if that were so, it would resemble the divine right from which it solemnly separated itself. Universal suffrage is progressive like man, like civilization; its prerogative consists in being able to revise itself incessantly: this is the principle, the political condition of our perfectibility. These incessant variations that, from the point of view of an infallible Church, of an absolute dogma, of an immutable institution, are the authentic sign of error (BOSSUET, *Histoire des Variations*), are, on the contrary, precisely what which is the strength, the certainty and the glory of the Revolution.

This is how the Constitution of 1852 can be said to be more liberal than the Charter of 1814-1830. Here, by a derogation from the principles of 89, the king, at the same time as he was declared irresponsible and inviolable, became *legitimate*, which meant essential to the constitution, consequently indisputable, irremovable in his person and in his dynasty: the mere proposal to cut off royalty from the Charter as a useless cog, absurd in itself, would have been treated as an outrage and severely punished. According to the Constitution of January 14, 1852,

on the contrary, and according to the principles of public law which it has established, the President, elected for ten years, is the responsible and temporary representative of the nation: if later, on November 20, 1852, the people conferred the imperial dignity for life, with heredity in his descent, it must be said, to remain in the spirit of the Constitution and of universal suffrage, that the people acted in this respect of high munificence in favor of a personage whom it called *Liberator* and *Savior*; that it wanted above all to recommend him and his descendants to posterity, in order to perpetuate as much as possible, in a sort of popular dynasty, the memory of such a great event. According to the terms of the Constitution and the senatus-consulta which, on various occasions, came to modify it, the imperial dynasty, subsequent to this Constitution and produced by universal suffrage, coexists with it, but is not essential, intrinsic, inherent to it! They are associated, not related; there is no solidarity between them; all that can be said is that under the terms of the senatus consulta there is no incompatibility either. It is thus that in Rome the family of Caesar became the imperial family and occupied the throne from the death of the dictator until that of Nero, for a period of one hundred and twelve years; it is thus that the Antonines provided in their turn three generations, and that it was still the same with the family of Constantius Chlorus and that of Theodosius. Nothing legally prevented these families from remaining on the throne as long as the empire lasted: but the people never for that reason abdicated their right of election; never, in the Empire, was dynastic right claimed by an aspirant to the purple, any more in the East than in the West.

This is the case with the public law that governs us. In principle, the dynastic element is not an integral part of the Constitution of 1852, as royalty was part of the Charter; it is an addition that was made after the fact by a plebiscite. So that the same Senate which, *by virtue of articles 31 and 32 of the Constitution*, in agreement with Louis-Napoleon, submitted for the acceptance of the French people *the restoration of the imperial dignity* (see the senatus-consultum of 7 November 1852), could, by virtue of the same articles, submit to the people a diametrically contrary proposition, without it being possible to say that the Constitution is violated. Now, such a striking off could not have been made on the Charter of 1830. The king doubtless had, like the Emperor, the faculty of abdicating; but neither he nor the Chambers could have removed the dynastic principle from the Charter: that would have been the overthrow of the system, a revolution.

No plea of inadmissibility drawn from the rights that the Emperor holds from the nation can therefore be opposed to universal suffrage, no prescription, no incompatibility alleged against the sovereignty of the people. Far from it, if it were possible to conceive today, as the ancients did, that the salvation of the people required sacrifice, I am not saying only of the authority, but of the person of the prince, the Emperor should to immolate himself: the plebiscite that elected him having made him, not an oriental despot entrenched in his egoism, not a fetish who crushes under the wheels of his chariot the prostrate populations, but, according to the democratic tradition, a Codrus, a Curtius, a Decius, in a word, a man of devotion.

There is no question at this moment, thank God, of asking the Head of State for such heroic testimony: neither his person, nor his dynasty, nor his constitutional power are at stake. It is a question of saving from imminent degradation... Who? The nation itself, universal suffrage. That the elections of 1863 take place under the conditions imposed on them; that the Legislature be renewed, without protest or reservation, by the more or less benevolent but perfectly insignificant

vote of the citizens; that the democratic party, impatient of all principle and all conduct, gives itself the joy of appointing twelve or fifteen speakers in opposition, and thus sanctions, by its contradictory vote, this fatal ballot: and, I say it with the heart filled with bitterness, liberty and political life have only one resource left in France, and that is that the imperial government, terrified by this moral failure of an entire people, convinced of the enormity of the peril, decides to recall the nation into existence by establishing universal suffrage according to true principles, and by voluntarily exposing itself to the rage of the parties and the brutality of the masses.

§ 12. — Character and Meaning of Abstention in Present Circumstances.

If abstention should, by itself, as certain interested councils reproach it, have the effect of hastening the extinction of political life in the country, an effect for which I accuse precisely the present electoral system; or if it were a prelude to insurrection, a trap set for the good faith of the electors, a plot against power, I would be the first to advise against it, and I would put all my zeal into turning the citizens away from it. The roles then, notice this, would be reversed. We would see the *men of action* (the men of action at the moment are those who vote) fighting the ballot and abstaining, while I would go to the opposite side, in the camp of legality against disorder, of the living against the dead.

But abstention, misunderstood by unintelligent practitioners of universal suffrage, is an essential faculty of the elector; it is part of the electoral right; it can become, for popular assemblies, as well as for the members of an assembly, a means of demonstration as effective as it is peaceful and legal: this is no doubt why our prudent advisers do not want it. They find it better to return to the parliamentary contests of the reign of Louis-Philippe, and to have opposition voters solemnly deposit in the ballot box a ballot that, in fact, will be the pact of alliance between the aforesaid opposition and the government.

Note first that there is no law under which one can make electoral abstention a political offence, a kind of anti-government or anti-parliamentary coalition. Article 414 of the Penal Code, relative to the coalitions of masters and workmen, has no analogue in electoral matters and cannot have it. It would be something contradictory, since any candidacy, any opinion, publicly debated, implied a *de facto* and *de jure* coalition; since, moreover, the government cannot make voting compulsory, any more than it can impose its candidates; since, finally, the ballot is secret. A coalition of voters nominates the candidate for the ministry; it is another coalition that puts forward the opposition candidate; it will be, if you like, a third coalition that, wanting neither one nor the other, and judging the situation of the voters unacceptable, will abstain. All of this is by right and included in the law: there is not the smallest word to say.

But, for an abstention to be valid, as a manifestation of universal suffrage, for it not to be considered as omission, impotence or indifference, it must have a positive significance, and moreover it must not remain sterile. Among the voters there are some who, without in any way wishing the fall of the Empire, are moderately satisfied with its policy and demand the restoration of the old constitutional guarantees and of public liberties. Others go further, calling with all their wishes for a more rapid development of the principles of 89, some even a return to the forms of 93...

I do not have to decide between these nuances. I am not doing at this moment the work of any party or school; I combine in one and the same category all the friends of right and liberty, all those who, concerning themselves less with people than with things, with flags than principles, miss the liberties and guarantees that for fifteen years events have caused them to lose, and I say to them:

Do you want, by the shortest road, to return to these freedoms and these guarantees? Universal suffrage offers you the means. Depending on how you are going to exercise it, whether you know how to understand its rights and fulfill its duties, you will obtain from the government the satisfaction that you demand. As you have spoken, so will the imperial prerogative answer you.

Consider that universal suffrage is already itself, by the mere fact of its exercise and by its power of institution, the putting into practice of all these rights, of all these liberties, of all these guarantees, of all these prerogatives of which you deplore the loss, the starting point of all your progress, the embryo of all your reforms, the instrument of your fortune: so that the government, whatever it may be, is really only the continuator of its works, the guardian, at most the foreman of its various establishments. You ask for liberty of assembly and discussion, for example: it is in universal suffrage, or universal suffrage is nothing; — liberty of the press: it is in universal suffrage, or universal suffrage is nothing; — municipal liberty: it is in universal suffrage, or universal suffrage is nothing; — judicial and penal reform: it is in universal suffrage, that is to say in the jury, where universal suffrage is still nothing. Do you want more? Are you asking for the organization of education, the guarantee of work, the institutions of mutuality, the determination of economic law, etc., etc.? All this is at base a matter for universal suffrage, or universal suffrage is nothing. There is not a right, not a liberty, not a guarantee, not a hope for the future, not a progress, that cannot be reduced in this way to universal suffrage, which universal suffrage does not express by some one of its forms, without which universal suffrage would be absolutely nothing.

But, you say, that's not how things are working.

Universal suffrage is under administrative direction; it is not master of discussing publicly; meetings are not free; the press is not free; the communes are subordinated to the central power; Paris and Lyon do not even belong to each other; the deputies, the candidates, and through them the entire electorate, are subservient, by virtue of their oath, to the Emperor...

Well! It is the case of making the Emperor understand, directly and without intermediary, that the conditions under which universal suffrage is called upon to function are contrary to its nature and bind its action; that, if the misfortune of the times has made you bear them up to now, if no complaint has been raised in previous elections, these precedents, of which no one is accused, have not been able to create against the sovereignty of the people any kind of prescription; that after ten years of calm and experience the time seems to have come to return to the rule; and that you therefore beg His Imperial Majesty, by your very abstention, to comply with your request.

So your abstention is legal, what is most legal and least hostile to the government. It is not a split between the Country and the Power, a retreat of the people on the Sacred Mount, a sly attack on the rights that the prince holds from you: abstention would take on this character only as much as the government itself would like it. It is simply a declaration of the Country to the Government

that, in the state of things, the vote, lessened in its dignity and its competence, instead of restoring the government, would become for it a danger; that it would constitute the nation in a state of political decadence, and that the wish of the electors is that the Head of the Empire, to whom until now the high policing of the elections has been left, renounce this dictatorship, and suppose the citizens able to fulfill their electoral duties and to exercise true sovereignty.

"We are ready, Sire, to do what the Constitution expects of us, to assist your government by renewing the Legislature. But in the situation that has been made for us, we cannot vote without compromising everything: the *principles of 89*, and universal suffrage, and the future of France, and our own honor, and yourself!" This is what, by their abstention, the voters would be supposed to tell His Majesty. This again is not a declaration of war, neither a secession nor a challenge; it is not a hostile act, not even a protest. It is a respectful representation, by which the Power is informed of the moral impotence in which the People is to vote, and given notice to provide for it. *Non possumus*, as the Popes said in response to summonses from emperors and kings: such is the word for the current situation. Nothing is more peremptory, I grant; but also nothing is more parliamentary.

§ 14. — Inconsistency and futility of a vote of opposition.

The bulk of the voters, whose zeal in getting themselves registered cannot be praised too highly, but who, in the interest of an easily disentangled coterie, have only been taught one way of manifesting their will, expects marvelous results from the success of a few opposing candidacies. With what dreams have these excellent voters not been cradled! In this they are only obeying the old Jacobin spirit which, after having boldly refused the oath of 1852, suddenly reversed itself in 1857, and which today does not know what to do. One remembers these exhortations coming from without, in which one showed in perspective the popular masses coming to exercise the judgment of God and crushing the Empire under their millions of voices. — "I will take," the people were made to say in a parody of the song of Harmodius and Aristogiton, "I will take my ballot paper as a cartridge; I will put it in my wallet as in a cartridge box, and I will shoot its despotism."

We must bring these ridiculous demonstrations to their true value, and show what real weakness hides under this false energy.

The democratic opposition, which had become, by taking the oath, decidedly dynastic on the day when it presented itself to the ballot box with its candidates, was supposed to make the following speech to the Emperor:

"Sire, we could abstain from taking part in the elections, since abstention is a right, and in the present case it would be the most energetic means of demonstrating and of making our opinion prevail. We could, we say, attack the morality and validity of the vote; raise questions of incompatibility, grounds of unconstitutionality, put your Constitution in contradiction with itself. Add, Sire, that as guardian of the great principles of the Revolution as well as of the rights and liberties of the people, it is your imperial duty, and you personally have the greatest interest in it, to bring in universal suffrage, and the country with it, in its true way; that consequently it would be up to you first to call us back to principles, rather than for us to point out to your government

that it is deviating from them. But, Sire, we are afraid of separating ourselves from your thought, of weakening the prestige of your reign and, by manifesting too strong an opposition against you, of throwing you into the arms of our common adversaries, the eternal enemies of the Revolution.

"Above all, we are attached to your paternal authority; we are, although Jacobins, or rather because we are Jacobins, devoted heart and soul to your dynasty, to such an extent that we prefer at this moment to sacrifice our dearest guarantees rather than do anything that could shake your authority. Supporters of a strong power and an energetic centralization, jealous of maintaining the glory of French arms and of preserving your prepotency over Europe, we have only one regret, Sire, and that is not to be absolutely, on some details of domestic and foreign policy, in agreement with you. We would wish your government, not a change of system, God forbid, but here and there a slightly more revolutionary accent, a slightly more liberal appearance, a slightly deeper shade. Certainly, we would have to make your Majesty hear many complaints, if we wanted to make ourselves the faithful echoes of popular law, if we were true representatives of universal suffrage. But, considering that the French people do not seem to us to be mature; that certain liberties too scrupulously respected would become inconvenient, would tend to restore to the provinces and the communes the autonomy of which our various governments deprived them, and would raise the conflict against the central authority; given that we ourselves would not be sorry, if necessary, to receive in its fullness the power conferred on the Emperor, we have decided to content ourselves with simple grievances, and it is in order to gain in the Parliament twelve or fifteen more voices that we have organized, in Paris and in some departments, this little electoral agitation. Your prudence, Sire, will be able to understand our reserve, and to take account of its faithful opposition, of its devotion. We will do better at this solemn hour than to take an oath to Your Majesty: we give you a receipt for all the hindrances, restrictions and anomalies that paralyze universal suffrage."

We see that if no one is more superb in words than our democrats, no one is more moderate in action, less ferocious in government.

But maybe I am abusing the prosopopoeia; perhaps, If it cannot be denied that such is at bottom the meaning of the vote; the intentions are quite different, and the word of twenty opposition deputies will do more than the silence of five hundred thousand voters. Let us therefore examine what will be the attitude, within the Legislature, of these deputies, elected with such great fanfare, but, I dare say, at the risk and peril of universal suffrage.

What motivates the opposition candidacies?

It is evident, according to the discontent, that the country does not enjoy all the desirable freedoms and guarantees; this is because the true spirit of the nation, its ideas, its tendencies, its needs are misunderstood; because it is worthy of more initiative, and because after ten years of such a rigorous regime, it is time to loosen the brake. All the grievances come down to this: incessant increases in spending, in debt, in the army, in the police, in clerical influence, in administrative centralization, etc.

But what would the opposition deputies answer if MM. de Morny, Billaut or Baroche, tired one day of their complaints, confronted them with this flat refusal:

"The complaints with which you make the Legislature resound are in bad faith and must be considered by the honorable majority as null and void. This is not where you should make them heard; it was in your electoral committees, before going to the polls. Because you say nothing here that you could not and, from your point of view, that you should not have produced before your electors, either against the Constitution, or about the operations of universal suffrage, or finally about the formalities imposed on applications.

"If you consider the imperial prerogative exorbitant, why did you recognize it by taking an oath to it. Why, when it was necessary to speak, to protest, to enlighten the voters, did you, on the contrary, hasten to swear? What! The oath cost your conscience nothing, when it was a question for you of being elected; and now that you have reached the end of your ambition, you consider it offensive to democratic dignity, irreconcilable with the sovereignty of the people. But who have you deceived by this concealment? Who? Do you know? It is not the Emperor's government, which knows you by the way and expects nothing from you. It is your electors. Begin, then, by depositing your collective resignation on this platform, and then go and tell your constituents that the oath required by the Constitution does them harm and is repugnant to you.

"You reproach the government for its candidacies, and you make a great noise that the quality of grand elector cannot be reconciled, in the person of His Majesty, with that of grand elected official. — But don't you yourselves have your central direction? Do you not exercise, from Paris, a determining influence on the elections of the departments? Didn't you form a Committee of the *Five*? Have you not declared yourselves inseparable, unanimous, indissoluble? Why don't you let democracy roam about, scatter, vote as it pleases? Why, before voting, before swearing, before soliciting suffrages which today you are pleased to accuse of dependence, did you not shout: Stop! and ask, about the oath and all the candidacies of the center, the preliminary question?

"You complain about the police laws that prohibit unauthorized public meetings. — But, once again, it was a time for you to abstain, and you are the first culprits. Would you claim, by any chance, to have compensated for the publicity of the meeting that you demand by your occult deliberations? Or if the irregularity of your confabulations appears to you to be sufficiently covered by your fortunate nominations? What light — good God — is there in your gossip and your tittle-tattle! And how regrettable it is that it has not penetrated even into the poorest cottages! In truth, one wonders how you, numbers drawn from the electoral lottery, dare to speak here. Who are you? Where are you from?

"Will you still stun us with your freedom of the press? But you wrote, printed, published for yourselves all that the care of your candidacies demanded; but your newspapers, those newspapers so devoted to liberty, to progress, to the Revolution, do not ask, in the secrecy of their editorial staff, that we stir up competition with them. Every day they plead in favor of issues, companies, projects, political and industrial, with which the government does not associate itself, and the government lets them speak. On all internal and external affairs, you are allowed to present your observations before the Legislature, and the country can take cognizance of them. What more could you ask for? Ah! if, before entering this precinct, you had told the voters: You cannot vote; you cannot name either us or anyone else, since you are not sufficiently enlightened, since we ourselves, your candidates, know nothing; as deputies, we will not know

more; that the newspapers know nothing, that the government itself knows nothing; — if you, outgoing deputies, had, in exceptional cases, made of your own ignorance and of the general ignorance of the reason for your re-election, we would understand that you should come today to accuse the Emperor's government. Your voters, edified by your words, could at least have said to themselves: Only one thing is clear in all this, and that is that no one sees a thing: let's name, let's name the *five!*... (4) But who does not know that the candidates for democracy are all orators, publicists, scholars, men of genius, statesmen? Who doubts that despite the terrible oppression that weighs on thought, they do not possess an infused science that frees them from the embarrassments of the press and makes them superior to the very inspiration of the people? Certainly, you are skillful, you are capable, you are luminaries; the electors, in nominating you, have done justice to your enlightenment and have themselves acted with high intelligence: and you come to accuse us of obscurantism! Go on, then!

"It has pleased you, for some years, to make yourselves the knights of municipal liberties, of departmental independence, of decentralization, finally, since you have to call it by its name. What does that mean? Are you forgetting that you are the successors of those who, in 1793, declared the Republic *one and indivisible*? Have you not always cried out against the influence of *localities*? Didn't you swear hatred to federalism, to parochialism? Was it not among you that the strange idea was born one day of having the whole people vote on a single list? We have broken up, according to your wishes, these groups which created so many centers of discord in the country, and you reproach us for it! Fools, who do not see that universal suffrage is the corollary of the federative principle (5); that, pursued in its consequences and applied in the rigor of its formula, it leads to the transformation of your own system?... Do you therefore want a revolution? If such is your thought, if you are so unfaithful to your old democratic tradition, it is not before the Legislature that you should bring your wishes. Go back to your constituents; tell them, tell this good city of Paris whose votes you have hypocritically solicited, that under the present conditions of the vote, it was wrong to elect you; that municipal law takes precedence here over imperial law; that Paris is not made to be the seat of a great state, but a state in a system of states, the first in a coalition of communes; tell the Parisians everything you please, and do not forget to add that, as for the government, it will never consent to relinquish its possession. (6) But start by renewing your mandate, if there are voters with you who are bold enough to challenge the government.

"And now know it once and for all: the Emperor's government is firmly convinced that the Country feels quite free, and that it abhors all innovation. The Country, by the plebiscites of 1851 and 1852, placed its sovereignty in the hands of the Emperor; it didn't give anyone a mission to take it back. The Country has itself recognized that it needs more concentration and unity; it laughs at your clubs, your newspapers and your pamphlets; it has had enough of your pretended parliamentary agitation; it does not want its deputies to take note of their election in order to challenge the Head of State's rights and prerogative. If the country admits, with the Constitution, that universal suffrage has the right to be revised, it is not so that a factious deputation will make of this faculty of revision a means of creating embarrassments to the government. And the proof that this is so, the proof, deputies of the opposition, that you are convinced as much as the government that such are the dispositions of the Country, is that you will not resign, you will not have not the courage of your own thesis."

§ 15. — Summary and conclusion.

What is UNIVERSAL SUFFRAGE?

If we consult the voters' *Manual*, it will respond that It is the faculty recognized for any adult citizen, having six months of residence in a municipality, and not struck by legal incapacity, to participate in the appointment: 1) of municipal councillors; 2) of the general councillors of the department; 3) of the deputies to the Legislature. In 1851-52, the first year of the Second Empire, the citizens added to this triple option of election that of extending the powers of the President of the Republic for ten years, then of conferring on him the imperial dignity. The election of the emperor, irremovable and hereditary, in whom all powers are combined; that of the deputies, renewable every six years; that of municipal councilors and department councillors, renewable for the first every five years, for the second, but only by thirds, every three years, exhaust the political right or the governmental competence of the French citizen, and constitute as a whole universal suffrage.

Such would be roughly the definition of the school.

But it is clear that we have here only the external side, the mechanical part of the institution: thought is lacking there, and to understand its full value, a little philosophy is indispensable. Certainly, if the citizen prerogative consisted solely of coming, every three, five and six years, to choose between proper names, to write more or less correctly, on a square of paper, the surnames, first names and qualities of a candidate, then to silently place this ballot in a ballot box committed to the care of a few municipal officials, it must be admitted, universal suffrage would be only a vain ceremony, equivalent to the periodically renewed resignation of the sovereign people. And the people would be right to distance themselves from these elections: it would then be necessary, not to accuse their indifference, but to praise their good sense.

What then is universal suffrage, considered no longer in its material operations, but in its life, in its idea?... It is the social power or collective force of the nation in its initiating form, and already in the activity of its functions, that is to say in the full exercise of its sovereignty. There, in fact, are manifested, like so many faculties in germ, all the liberties, all the rights, all the guarantees, all the progress that form the attributes of a free and civilized society. Any institution, any justice, any organism is given in advance in this parent institution, and what does not come out of it regularly and spontaneously, a fortiori what hinders its movement must be regarded as abortive and illegitimate. In universal suffrage, in a word, we possess; but on a reduced scale, or rather in an embryonic state, the whole system of future society. To reduce it to the nomination by the people of a few hundred deputies without initiative, elected for the most part on the recommendation of power, is to make social sovereignty a fiction, to stifle the Revolution in its very principle.

Let us come back to what we have said about the forms, conditions and guarantees of universal suffrage, its competence, its scope, its organization, I would almost say its physiology.

1. Universal suffrage is the basis of our public law, the foundation of the Constitution of 1852. As such, it is sovereign, independent, always equal to itself in its successive manifestations. This means that all freedom, all power and all rights exist in the electorate, not as the conclusion of a

sylogism is contained in its premises, in an abstract manner, but actually and in action; that, consequently, the rights, liberties and guarantees of the nation being given *a priori* in universal suffrage, and in the process of being realized by the very fact of its exercise, the citizens have, in this respect, nothing to expect from the government, any more than from the Church or anyone else. The nation is constituted in authority; the citizens, united under the name of electors, are its natural and immediate representatives. In them are united all the attributions of power; they exercise its functions and can never be expected to relinquish them. If later it suits them to designate, for the management of affairs, a head of government, deputies, municipal and general councilors and other kinds of functionaries, it is for considerations of administrative service and public economy that they are the only judges, and because such is their good pleasure. Under no circumstances may the choice of these agents be transformed into an act of substitution. It follows from this that the prince, deputies and advisers are under the hand of the nation, not the nation under the orders of the prince and his subordinate functionaries; that it is for the service of the voters that the government works, not for the service of the government that the ballot works; that between the Legislature and the government there is equality of subordination with regard to the electors, although there is no similarity of attributions; that thus the taking of an oath of fidelity to the prince is constitutionally incompatible with the responsibility incumbent on the emperor and the mandate of deputy; that it creates an embarrassment, raises a conflict between imperial prerogative and electoral sovereignty; that if the deputy were to take an oath to someone, it could only be to his constituents, which excludes any idea of subservience to the prince, consequently any administrative candidacy, as well as any interference by the power in the policing of assemblies and voting operations.

2. By universal suffrage, the citizens, declared equal before the law by the Charter of 1841-1830, were made equal again in political prerogatives, which the said Charter had not intended, and which in principle annihilates even the possibility of a return to divine law, to the habits and customs of feudalism and the encroachments of despotism. For if the citizens are equal before the ballot as before the law, there no longer remains any pretext either for distinctions of nobility, endowments, majorais, etc.; neither for industrial privileges, nor for dynastic appanages, nor for executive omnipotence. From which results the ponderation of powers, the supreme guarantee of public liberty and fortune; the limitation and equalization of taxes; the organization of public services, according to the law of civic equality and in the best general interests. Universal suffrage, I say, contains all that; it is itself all that. It would imply a contradiction for a people assembled in its comitia to discuss its affairs and appoint representatives who act in its place, to give them a mandate to squander its fortune, to create, to its detriment, privileges, sinecures and monopolies, or, worse than all this, to shut its mouth and hide the facts from it, when it wanted to inquire thoroughly into the acts and deeds of its agents.

3. Universal suffrage, we have added, presupposes for its free and complete exercise the division of the country into its natural groups: provinces or regions, departments, cantons, communes, corporations, etc. The result of the vote is the diverse and synthetic thought expressed by these communities, called upon to decide according to their respective interests. This is of the utmost importance. It emerges, in fact, that from this point of view the organization of society, both in the political order and in the economic order, is given entirely by universal suffrage, an organization that has nothing to utopian or arbitrary about it, since it derives from the nature of things, not from the vain speculations of school, from the enthusiasm of the multitudes or from a

council of state. Universal suffrage, with its rational constituencies, is—and why wouldn't we admit it?—the Revolution, not only political, but economic, just as liberty, justice, science and a wise progress suggest it. Any agricultural-industrial federation, any workers' or capitalists' association, any pact of mutuality derives from this. Here, even more than before, government initiative must stand aside and let social energies act alone. Any interference of power would belie the autonomy of the multitudes, distort the destiny of the nation and jeopardize its existence.

We know that if the electoral groups have a relationship of interests with each other, which invites them to a common action, manifested by the central government or the State, they must nevertheless remain independent of each other and of the central authority itself, since, without this independence, the elections, no longer being free, would only have a fictitious value, universal suffrage would be partly annulled and since, despite democratic appearances, everything would fall, as in the past, under the monarchical prerogative, under the central authority. The consequence is that, in each locality, the citizens have the basic right to meet and to consult one another, when and as they see fit, as well as to meet and to consult together with those of the neighboring localities, both for their private affairs as for their common interests and those of the State; on the other hand, the consequence is that if nothing that affects the general interests can be undertaken outside the action of the government, the government on its side cannot issue a decree, either in matters of commerce, industry, agriculture, public works, credit, insurance, banking, war, public instruction, or police, etc., without having first consulted the communes and departments; with all the more reason it cannot, under any pretext, interfere in their administration. Such is universal suffrage: initial act of the various autonomies, the ensemble of which constitutes the republic, and which, by their union in groups, form the empire or the government. (7) Break from that, break up the natural groups, change the constituencies, burden electoral action with obstacles, substitute for the freedom of associations the system of concessions, subsidies, protections, guarantees and surveillance of the State, and you misunderstand the spirit of the Revolution, you return to divine right, you destroy universal suffrage.

4. Universal suffrage presupposes freedom of the press. Here again I will point out that the freedom of the press should not be considered as an auxiliary called from outside to enlighten the progress of electoral operations; it is immanent in universal suffrage as an attribute of being, and cannot be separated from it without the latter ceasing to exist. Freedom of the press is universal suffrage in person, acting as an instructing judge, informing, discussing, questioning, judging, doing all acts of independent and sovereign reason. Suppress the freedom of the press: I will not tell you that universal suffrage will undergo an eclipse, as it happens to the Earth, when the Moon by its passage intercepts the rays of the Sun: I will say that you will have made universal suffrage deaf, dumb and blind. From which I conclude that with universal suffrage the monopoly of newspapers, warnings, sureties, stamps, patents for printers and booksellers, laws on peddling, etc., are incompatible.

Suppose a republic formed of a single commune with one square league of territory and five hundred inhabitants. In this microscopic state, all the powers being united in the municipal council, and the municipal council being composed of all the heads of families, it is clear that universal suffrage and government would be one and the same thing. Universal suffrage being at

the same time sovereign, prince, government, electoral body, judicial order, army, labor, industry, property, etc., executive power and legislative power, tax authority and taxpayer, sitting permanently, doing everything by itself, one would not conceive of it voluntarily diminishing itself and depriving itself of half or three quarters of its attributions. it would preserve, on the contrary, with the greatest care, the integrity of its faculties. Well! What would be true of universal suffrage in a state of five hundred souls is just as true in an empire of thirty-seven millions. It is always the collectivity that produces, governs, thinks, administers, judges, in short that does everything; only it does it in another way. In order to save time and avoid congestion, special functionaries have been instituted, by application of the principle of the division of labor, charged with exercising the public functions in the name of the people. Is the system changed for this, and can we conceive of suffrage being less independent, less sovereign, less master of the government and of itself?

Universal suffrage is therefore really, as I was saying earlier, the parent, creative and formative institution containing, not in hope and fiction, but in reality and in action, all the powers of the State, all the freedoms and rights of the people. It is not a first advance on the promises of the Revolution; it is the Revolution in person, seizure of sovereignty, exercising its omnipotence, carrying out the realization of its great principles, and ready to deliver all its contents, on the day when it will please the people to want it.

If the Constitution of 1852 had not, in such a formal manner, consecrated universal suffrage; if it were permitted to believe that in this respect it only intended to make a variant of the Charter of 1814-1830, to remove in energy to the electoral power what it granted it in scope, I would take care at this moment not to raise my protest against the regime followed for ten years. I would say to myself, with M. Baroche, that the universality of the right to vote does not constitute a kind of autocracy or self-government of the nation; that the system inaugurated in 1848 should only be seen as a satisfaction given to the pride of the masses, but without prejudice to the imperial prerogative and the upper management of the government, and I would resign myself, like so many others, to using the liberty that is left to us to discreetly request a greater one.

But such an interpretation of the constitution of 1852 is impossible. December 2, by abolishing the law of May 31, claimed, like the republic of 1848, to do more than a simple modification of the charter of 1830. It posed as an antithesis; it created a new order of things; it took universal suffrage as the basis of the constitution, declared the government changeable and the head of state responsible, thus reversing the previous political system. So that if universal suffrage should not be understood and practiced to the full extent of its meaning, the benefit of the *coup d'état* would be entirely for the Government; the Constitution of 1852 would have been for the country, against the wishes of its author, only a retreat; the nation, by nominally recovering universal suffrage, would in reality have lost its political guarantees: an inadmissible conclusion, injurious to the nation and to the government.

I have had my say. I would now have many reflections to make on men and things, on this long revolutionary agony in which we have been kept for more than sixty years; on the necessity of uplifting public reason as soon as possible by strong maxims, while waiting for us to be permitted to consolidate liberty by strong institutions. I abide by the above considerations of fact and law and confine myself, for the present, to silence. I add only one word: may it be heard!

Universal suffrage is the democratic principle par excellence. In trying, perhaps for the first time, to give its philosophy, I certainly did not claim to make this principle my own. This is what would happen, however, whether I wanted to or not, if — which I would refuse until the last moment to believe — democracy persisted in the way in which both the stupid and the perfidious advise and, by its participation in the electoral operations, abandoned the flag that it must defend.

I am not unaware that there are in the party a number of citizens who, while giving their support to the vote and taking an active part in the work of the committees, will abstain on their own account, and would not consent at any price to engage personally with the imperial system. But then why not follow this idea to the end? Why this equivocal conduct? Do they believe that this fulfills their duties as leaders of democracy and the protest of their conscience? I do not accept that men placed at the head of the movement should find certain things good for the people, while they reject them for themselves; that the bulk of the party may honorably attend the polls of the Empire, while the leaders keep their republican color immaculate. I do not accept, I say, that one comes to say publicly, in an electoral committee, that one abstains from voting for considerations of personal dignity and scruples of conscience, but that one does not admire none the less, from the bottom of my heart, the resolution of those who vote and the devotion of those who swear, as if, electors and candidates, by throwing themselves into this abyss of the oath, they renewed the sacrifice of Curtius! The dignity of the tribunes cannot here be separated from that of the people; what suits some suits all, imposes on all the same reserve and the same duty. Such a puritanical aristocracy is intolerable: it borders on hypocrisy, tyranny.

Have then, citizens, the courage of your own virtue. These considerations of dignity and conscience are admissible only insofar as they extend to democracy as a whole: now, I have demonstrated to you, by a long discussion, what is the right, consequently what is the duty of the masses. I have shown you how much this universal suffrage, so long disdained, thanks to the unintelligent interpretations which have been made of it, surpasses in depth and in fruitfulness all that political genius has ever produced. Are you going to deny this great principle? You don't think about it. Why then compromise it by your ambiguous attitude? All or nothing: you have no other advice to give to the people.

The people, you say, are incapable of understanding such shrewd tactics... It's up to you to warn them, to preach to them with your voice as well as by example. Hey! What, are you also going, by yielding to popular passion, to this mad instinct of struggle that excites it, to have the world understand that the French people are not mature, that they need guides, that, if you were in Mr. Baroche's place, you would speak and act like him, you would say that the government cannot abandon universal suffrage to itself, that it is therefore up to it to take the direction of it, but that, as for you, fallen men who think only of putting yourselves back in your place, your policy consists in following the popular fancy, the only means of elevating yourselves? Would democracy, on this account, therefore be a seesaw and universal suffrage, in your secret thoughts, a magic lantern?... Anyone who would say so would do you an insult: you have not lost your respect for the masses and faith in the Revolution to this extent. Yes, the multitude is unintelligent and blind: what shame is there in admitting it? It is its nature, I would gladly say it is its title. It needs a thought to guide it, there is no doubt: but where does this thought come from? That is the whole question. And to this I reply that the directing thought of universal suffrage must emanate from universal suffrage itself, functioning under the conditions and

according to the forms which are its own; that it belongs neither to the Power nor to anyone to prejudge this thought; that the only legitimate monitors of the people are all the men who publish their opinion either by the press or by word of mouth; that thus the true guide of universal suffrage is that general, impersonal, synthetic Reason, which springs from all ideas in conflict, and never fails to produce itself where all liberty is assured to thought, to speech and to writing.

The people, it is added, are on the move: they expect to vote; the current has become irresistible. I deny the reality of this momentum. Let those who form the head of the democratic party want it, let the electoral committees take the calm and firm resolution that instead of deceiving themselves by demonstrations of a hostility as impotent as it is equivocal, they take refuge in the religion of their principle; that they are not afraid to cover themselves with the legality that the Constitution of 1852, dominated here by the reason of history, has arranged for them; let them think above all that abstention, were it an act as sterile as it has been claimed, it would still be forbidden for them to vote in the present state of things, because such a vote, among men of liberty, would imply the abandonment of the rights and principles they claim; let these considerations, I say, be strongly expressed, and, in twenty-four hours, informed Paris will once again become the Paris of the old days, it will turn around, and democratic France, the France of the future, will abstain with them. But should the people still show rebellion at the voice of their leaders, I would say to them: Separate yourselves boldly. Let this multitude devoid of reason, much less naive than it seems to you, vote; allow, without being moved, the workers' candidacies to appear alongside the administration's candidacies, to fraternize with them, and allow all of these elected representatives of the people to figure amongst themselves debates where parliamentary initiative and electoral inspiration will have such a feeble share; and, resigning yourselves to a painful purge, work boldly, with a personnel reduced by three quarters, to reconstitute on new elements the party of the Revolution. With the Revolution, you have the idea, the force, the life; you hold everything. You are rising from your defeat, you are becoming in the eyes of the world the party of preservation and order at the same time as of liberty and progress; you are the men of public safety, and sooner or later you will see this shameful multitude asking you on their knees for forgiveness for their felony.

In speaking this language to you, veterans of democracy, I am without interest, since I split with you, and I am not looking for a rapprochement. Well! What could I wish for that is better for my own glory than to see you dishonored, drowned in this electoral pond? Don't I know that parties often need to be rejuvenated; that, you doomed by the most foolish tactic, your succession would be open, and that it would be up to my friends and me to take back this flag of universal suffrage that you have not known how to carry?... But, I tell you in all frankness, such are not, such have never been my aims. I am above all, you should know, a man of principles and logic: my studies are enough for my ambition. My reward will be great in my eyes, if I am lucky enough to contribute to the triumph of the common idea. In this regard, I will go so far as to say, and you will eventually recognize it, that I serve the Revolution better, that I am more useful to you, above all more convenient, by preserving my independence, than if I remained with you. Let me see freedom rising again, principles being strengthened, even by rival hands, and I am happy. Seek no other motive, democrats, for this disinterested and loyal exhortation.

NOTES:

1. *La Révolution sociale démontrée par le coup d'Etat*, 1 vol in-18, Paris, Garnier frères.

2. One newspaper, only one, *Le Temps*, dared to maintain that there was incompatibility between the mandate of deputy and the profession of journalist. But it saw the thing only from the point of view of political liberty, that is to say of the warnings and risks of suppression: it left aside the considerations drawn from the monopoly of the newspapers, following their inevitable venality; all the more reason that it took care to understand only that the situation made for the press was reason to conclude, not simply on a particular incompatibility, but on a general abstention. With its usual inconsistency, *Le Temps*, an opponent of journalistic candidacies, remained an avowed partisan of the vote, which earned the glory, this time, of being the only one of its opinion.

3. *Of the Federative Principle*, p. 286, large in-18, Paris, Dentu.

4. This line is not at all personal and should not be considered as hurtful to the persons designated, to the talent and patriotism of which the author is the first to do justice. But they will understand in their turn that from the point of view in which he is placed, the recognition that is due to them cannot in his eyes tip the balance in favor of the vote, the talent and the virtue of these five men being infinitely small in the face of the immensity of the sacrifice.

5. See above, in § 4, 8 and 9, what has been said about electoral constituencies and the independence of municipalities.

Those who, while granting the excellence of the federative principle, nevertheless claim that in Italy, in Belgium and elsewhere, the populations are not mature; that this institution of high liberalism would be too hasty; that strong discipline is still needed for many years to come, and that, without vigorous unity, the State would fall prey, here to legitimist influence, elsewhere to clerical influence, further away to influences bourgeois or noble, those, I say, should at least agree with themselves. Why, if federation is so dangerous, have they appealed in Italy, against the Pope, the King of Naples and the dukes, to universal suffrage? Because finally it is obvious that the Neapolitans by voting as Neapolitans, the Sicilians as Sicilians, the Tuscans as Tuscans, the Lombards as Lombards, the Bolognese as Bolognese, etc., implicitly affirmed their autonomy and posed, at the same time as their adhesion to Victor-Emmanuel, their federalism. What inconsistency! Or rather, what a remarkable mystification! As if the combination of these three powers, universal suffrage, local independence and central government, did not offer, in any case, against all factions and all sects, the highest guarantee of progress and liberty!

6. Declaration made by H. Billault, Minister without Portfolio, from the Legislative Tribune in reply to M. Picard, Member of the Opposition.

7. The word *Empire* appears, in our political language, prior to the accession of Napoleon I. We find it, as early as 1789, employed by publicists to whom the name of *Monarchy* was beginning to seem inaccurate, and who had not yet dared to use that of *REPUBLIC*. After August 10, Republic and Empire were made synonyms, and this synonymy remained officially until after the coronation of Napoleon.

[Working translation by Shawn P. Wilbur]

