

POSTHUMOUS WORKS OF P.-J. PROUDHON

POLITICAL CONTRADICTIONS:
THEORY OF THE
CONSTITUTIONAL MOVEMENT
IN THE 19TH CENTURY

(The Parliamentary Empire and the Legal Opposition)

with a
LETTER TO MONSIEUR ROUY
Editor-in-Chief of *la Presse*
IN FAVOR OF ABSTENTION

Published in 1870

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NOTICE

It is not without qualms that we accepted the task of reviewing, preparing and releasing for publicity the unpublished works of P.-J. Proudhon. These works, for the most part, at the time of his death, were still, as they say, under construction. Now, we have lived close to Proudhon for long enough to know that, as a writer, he was deeply loath to appear careless or unkempt. Out of respect for himself as much as for his readers, he then brought to his appearance — none of his friends are unaware of this — all the dignity, let us say the word, all the *style* that befits a great artist. May we, in this regard, without giving the public cause to regret anything about the precious heritage that belongs to them and which we transmit to them, never fail in the intentions of our friend! This is perhaps the most delicate part of our task.

We have consequently had, in certain cases, to make a choice and leave aside still unformed fragments. It goes without saying that we have never risked, that we will never risk, on the uncertain authority and by an adventurous interpretation of more or less obscure notes, having a precise meaning only for their author, of substituting our thought for his own.

It was for us, moreover, a sacred duty to reproduce with the greatest accuracy, in its integrity, in all its native purity, even with some stylistic negligence, inherent in a first draft, the original text, entrusted to our care: we have never knowingly failed to do so. At the risk of being accused of naivety, we have gone so far as to point out, by inserting them in square brackets, the words sometimes left at the end of the writer's pen, and whose absence left the meaning of the proposition materially imperfect.

Let us now say a few words about the volume we are publishing today.

It was composed in 1864, at the time when Prussia and Austria, through a crime similar to that of which Poland was the victim in the last century, carried out the dismemberment of Denmark.

We have only partly preserved the title given by Proudhon himself to this work: the idea was indicated to add in an appendix, as an application of the principles developed in the work, an examination of the acts of the opposition in the previous legislative session. It was not given to the author to carry out this project. The work itself was not completed, and it is obvious, to us at least, that certain parts of it needed to be reworked and developed.

Equal inanity of all our political constitutions since 1789; absurdity of our electoral system, the practice of which by universal or restricted suffrage, has never been, in reality, anything other than the abdication of national sovereignty: such is the double thesis affirmed and demonstrated in this book, which is at the same time time an energetic plea against centralization, in favor of federation.

For a long time, in politics, nothing of this force, because nothing of this sincerity animating a great intelligence, has been published. Nothing also that enlightens more on the present situation minds that do not systematically close their eyes to the light.

Written six years ago, these pages, in fact, have no less today, and to the highest degree, all the merit, all the interest of current events. Never did Proudhon have a surer and more piercing gaze plunged into the future. He then foresaw what we now see happening: a new glorification of the *juste-milieu*; the France of 1848 and that of December 2 changing judgment and making honorable amends to the France of July; a return to the institutions of 1830, to the doctrinaire regime, to the men of the Rue de Poitiers; “to this political system invented expressly for the triumph of eloquent mediocrity, of scheming pedantry, of subsidized journalism, exploiting publicity and blackmail; where compromises of conscience, the vulgarity of ambitions, the poverty of ideas, as well as the oratorical commonplace and academic eloquence, are assured means of success; where contradiction and inconsistency, lack of frankness and daring, elevated as prudence and moderation, are perpetually the order of the day.”

We believed we could, appropriately, publish, at the end of this volume, a letter, which has remained unpublished until now, written by Proudhon on May 29, 1863, on the occasion of the general elections of that same year, and addressed to the editor-in-chief of the newspaper *La Presse*. This letter, which summarizes the reasons of principle and fact that the author had already put forward elsewhere, recommends abstention, not absolute, but by *blank ballot*, as long as universal suffrage, which, “organized according to its law, is the very constitution of democracy,” remains stripped of its normal conditions and guarantees, injured and outraged in its majesty and independence. Thanks to the progress of ideas and intelligence, fortified at this hour by a longer experience of things and men, this doctrine will certainly be better appreciated than it was at first. Democracy, rightly punished by all the disappointments inflicted on it by its representatives, has ended up recognizing one of its errors: it is beginning to understand that by lowering itself, by degrading its elected representatives to the point of oath-taking, with this a circumstance aggravating the ulterior motive of the perjurer, it has prolonged its own miseries and delayed the day of its triumph.

M.-L. BOUTTEVILLE.

FOREWORD

Six weeks ago, on the occasion of some treaty concluded in 1852 between Denmark and the Germanic Confederation, Europe was almost thrown into a universal war. Six great powers, England, France, Russia, Austria, Prussia, Sweden, signatories of the said treaty, seemed, through their diplomacy, to have taken care of charging this mine. The European equilibrium, the principle of nationality, that of natural frontiers, dynastic right, feudal right, constitutions, autonomy, etc., were so well mixed up, confused, that after twenty years of protocols Prussia and Austria, with that philosophical spirit that distinguishes the Germans, judged that the saber alone could solve the problem. Thanks to them, if the alarm was raised, the affair at least ended as it should between civilized and self-respecting nations. Where politics had been powerless, force had done right. The cannon has spoken, blood has flowed, honor is satisfied. Danes and Germans fought valiantly at Idstedt, at Missunde, at Oversée, on the Danewirke: hang yourself, Frenchmen, you were not there.... Now it is said that Sleswig-Holstein, whatever its prince, Danish, Prussian, or native, will be part of the Germanic Confederation. In fact, the nature of things wanted it that way; history, since Charlemagne, has been pushing for it; the needs of the populations demanded it; Denmark itself had little interest in it: only complications, feudal right and mercantile privileges, had prevented it. God grant that today there are neither Emperor, nor Congress, nor Don Quixotes, to separate again what Providence wanted to join!....

As base, what does the Danish-German conflict mean? It is that, despite the treaties of Westphalia and those of 1815, Europe has not been constituted; that it seeks its constitution. The States of which it is composed, and which since 1815 have begun their constitutional beginnings, are themselves only provisional. Germany is looking for its federation: woe to the world, if it were to fall into a unitary rut! Prussia struggles between its democracy and its dynasty; Austria advances cautiously on its path, both imperial and federal; Italy is dying from the reunion of its provinces; Belgium, at the end of its parliamentarianism, curses clericals and liberals, and returns to its old municipal institutions; Russia is only just being born into liberty and order; England seems to be doing well as long as she exploits the world: but change her economic condition, and she falls into flames. As for us French people, more advanced than the others, we are in complete dissolution. Is it any wonder, after that, that sometimes Hungary and sometimes Poland, sometimes Italy and sometimes Holstein, sometimes the Eastern Question and sometimes that of the Pope, sometimes a July revolution and sometimes a February revolution come to shake the world?

Now we are going to enjoy a new respite. The work of diplomacy will begin anew: with it, the parliamentary debate, in Vienna, in Berlin, in Frankfurt, in London — should we also say, in Paris? — will be able to follow its course. Patriots from both sides of the Rhine, it seems that it is not yet this time that we cut each other's throats: let us profit from this short moment to discuss among ourselves the things that interest us. While our leaders present themselves in arms, play politics, exchange correspondence and military salutes, let us try, the rest of us, to penetrate a little deeper into the mystery of their existence. As for you, stock-traders, rentiers, bankers and brokers,

Dandins and Patelins, gawkers and *suckers*, distracted for a moment from your serious occupations by the fanfare of Bellone, you can, until further notice, return to your sheep. What would your heart tell you, by chance, of an hour or two of democratic and social strolling? First of all, it is impossible, in the mess in which your statesmen, senators, deputies, ministers, government commissioners, have been stuck for four months, for you to know where you are; and I challenge you, not being used to these kinds of analyses, to orient yourself. Well, I offer to serve as your cicerone. Please agree to accompany me on this promenade. I will show you what you have not seen: a nation working on its own constitution. Are you curious about the future? You will see a small corner of it, as in a mirror. Take and read: it will not be long, and no more boring than a discussion of the Senate or the Legislature.

POLITICAL CONTRADICTIONS?

THEORY

OF THE

CONSTITUTIONAL MOVEMENT

In the nineteenth century

CHAPTER I

A NATION THAT REVERSES ITS JUDGMENT

If there is a trend that is currently growing strongly in our *blissful* country, it is the return to the doctrinaire regime, or, to use a less offensive expression, to the constitutional monarchy. With the Bourbons, the Orleans or the Bonapartes, without a clear preference for one of these dynasties rather than the other, France aspires to reconstitute itself according to the ideas and mores of 1830.

The return to an exhausted system is something in itself so anomalous, so unworthy of a nation that has come of age and is supposed to be in possession of itself, that it is important above all to note the fact. Especially since this is not the first regression of this kind that we have had to reproach ourselves for.

Let us remember that the plebiscite of 1851 conferred on Louis-Napoléon the Presidency for ten years, with the power to make a constitution based on the elements of 1799; — that, the following year, the imperial dignity was reestablished in the person of the same Louis-Napoléon, and accompanied by *senatus-consults* whose aim was to bring the constitution of 1852 closer to that of 1804, or at least to infuse it with its spirit. According to this, we could, we even should expect, if this movement of Napoleonic re-edification was sustained, a imminent and definitive transformation of French democracy into Caesarism, or, to put it better, the realization of the great thought of Napoleon I, the third Western Empire. Admitting the hypothesis of restorations, or political regressions, the consequence, I repeat, was rational; I admit, for my part, that I was positively counting on it.

However, and despite the considerations of all kinds that seemed to motivate this transformation, the analogy between the First and Second Empire was not sustained. We can even say, despite the resemblance of the name, the title and, to a certain point, the form, that the two systems do not continue one another; their destinies are not linked; historically speaking, they are cousins *à la mode de Bretagne*, shirt-tail relations; there is no kinship between them; at most copy or counterfeit. This is what the initiative of the current head of state has taken the trouble to demonstrate to us itself. At the moment when we least expected it, on November 24, 1860, a

decree, *motu proprio*, from H. M. Napoleon III, came to inform the country of this astonishing resolution, by which the Emperor, far from requesting for his triumphs in Crimea and of Lombardy an additional authority, thought rather of relieving himself of a part. The task, it seemed, and the responsibility weighed too much on him; he called on the representatives of the people to share them with him; he invited them to oversee; he gave them back the floor, he reopened the debate; in short, he recognized that the conditions of government were not the same in 1860 as in 1804, that the Brumaire system applied in December did not work, which meant that, while history continues, it does not begin again.

These things were undoubtedly not declared in an explicit, official manner, and in the terms I use. Rarely do communications from authority give the real reason for its actions; it is not always aware of it itself. But a word of caution: we know well enough that in politics speech was invented to disguise the intention; just give me the text of the law, I will take care of deducing the reasons. The Emperor, if we were to believe the hierophants of December 2, was offended to hear it repeated that political life was dead in France; that the Senate was an assembly of mutes; that the Legislative Body, no longer representing the thoughts of the country, no longer issued oracles, etc., etc. And Napoleon III would have wanted to prove, by a decisive act, that life and death, in France, I speak figuratively, depended on him, and that, as he had the power to kill, he also had the power to resurrect. Moreover, we attributed exclusively to the great wisdom, to the generosity, to the liberal spirit of the prince, the entirely gratuitous idea of the new decree.

The fact was, and everyone can judge of it today, without taking away anything from the merit of the imperial initiative, quite the contrary; — the fact was, I say, that the conditions of development in which the second founder of the Empire found France were no longer at all those of 1799 and 1804; — that, since 1814, the political and social organism had changed from top to bottom, to such an extent that the Napoleonic idea, which had to renovate everything, found itself powerless, overwhelmed at all points. The terror of socialism may have created a momentary illusion; we believed we were on the eve of a general liquidation; we looked for examples in the past. *A leader, a leader!* people asked loudly, and the man of December 2, like the one of Brumaire, appeared to be a savior. But, this absurd terror dissipated, things reappeared as they had not for a moment ceased to be; and Napoleon III, as the best placed to observe, had to be the first to return to the reality of the situation: which he had done, without warning, by the decree of November 24. So it took nine years to recognize that the axis of civilization had not shifted in 1848, and that we had been wrong to deviate from it!...

Whatever the case, the decree of November 24 became for the nation so strangely abused as the signal of an awakening: unfortunately, minds were prejudiced in such a way that we did not understand, at first, what it was; and, while the country would have asked nothing better than to move forward, the influence of tradition threw it into a new deviation. On the one hand, we did not want the republican constitution, since it was against the Republic that the *coup d'état* had been carried out; on the other hand, we had just, by the decree of November 24, broken with the constitution of 1852; add that we did not have a program for further development, and you will understand how we found ourselves, almost without having wanted it, brought back to 1830.

Singular thing, the constitutional monarchy, equally hated by the republicans and the imperialists, was inevitably going to become again, in place of the proscribed Republic and the autocracy that recused itself, the political objective of the nation. Was this what the author of the decree of November 24 had wanted? Certainly, not. His intention, in letting go of the reins a little, was in no way to change his pace any more than his vehicle. Napoleon III, while yielding, with all the prudence of which he was capable, to the necessity of the circumstances, intended to maintain his constitution in the spirit and in the letter, except to reduce something in its application. Imperial thought, to all appearances, did not go beyond: but it is precisely in this, it must be said now, that the error is obvious to all, it is in this that this august thought is an illusion.

We cannot do what we want with a system, even if we were the inventor a thousand times over: nothing more rebellious, more inflexible, and, if I dare to express myself thus, more complete. Man, by virtue of his free will, has the faculty of saying and unsaying, of compromising on everything; he can infinitely modify his thoughts, his will, his action, his words; his life is only a series of compromises with his fellow human beings and with nature. An idea, on the contrary, a theory, a system, a constitution, a pact, everything that has received expression and form from speech and logic, is a definite thing, hence definitive; an inviolable thing, which does not bend, which does not lend itself; which one cannot leave for another, but which will not acquire new properties, that is to say which will not become other while remaining itself. It is a verb, immutable, absolute, incorruptible; a verb that I would happily call, following the example of grammarians, intransitive.

A constitution, for example, wants to be either entirely respected, or entirely rejected: there is no middle ground. We can, it is true, between two opposing constitutions, insert as many middle terms as we wish; but each of these adjoining constitutions is a new, distinct, exclusive work, in which it is absurd to want to reconcile the incompatible, such as the parliamentary principle and the imperial prerogative. To imagine, because of the transactional faculty that is within us, that we can introduce into a political system, at will, modifications of all kinds, and that this is what progress consists of, is going on the wrong track; it is leaving right and science, and throwing oneself into arbitrariness.

I therefore say that the constitution of 1852 is one thing and that of 1830 is something else; that the two are irreconcilable, and that everything produced by the decree of November 24, interpreted by public opinion, and giving back to the Legislative Body and the Senate some of the attributions assured to them by the Charter of 1830, but that the Constitution of 1852 refused them, was to raise in the country, with much chatter, with regard to imperial re-establishment, illusory hopes; and, in the event of a revolution in the power, retrograde aspirations.

Currently the country is launched: no restriction can hold it back; and the more it is preached to from above, by the Senate, by the legislative majority, by the newspapers, by the very word of the sovereign, the more it pursues its passion; a passion all the more ardent because it has all the attraction of an antagonism between the people and the government. Already, we have just seen, success no longer lacks anything more than the arguments for this idea that we believed to be

dead, and which the deviation of things, the routine of opinion and the improvidence of power have agreed to resurrect

Look at what is happening around you, listen to what is said: the impossibility now established of pushing the Bonapartist restoration to its final consequence, that is to say to a purely autocratic constitution, like that of 1804; the no less flagrant incompatibility between a military state and an industrial, bourgeois society; the progress of liberty, let us say better, of the European federation, in the opposite direction of imperial development; the divergence of systems between countries that touch and penetrate each other, are called to march in unison; the incessant, intolerable comparison of personal government, followed in France, with the parliamentary regime, admitted in most of the States of Europe; the lack of intelligence of the democracy, incapable of producing the idea and providing the personnel of a republic; the favor suddenly returned to the men who, for so long and with such brilliance, had expressed the system put back on the agenda; the title of *legal opposition*, under which we have seen them rally; the adoption of this same title by the few elected officials who had initially stood as representatives of republican opinion; the oath, a dynastic symbol, taken without repugnance by all these old and new parliamentarians, as if they were saying to the Emperor: "Be our arm, and our hearts are yours;" — the rallying of the electoral masses so nimbly under the liberal banner of MM. of Girardin, Havin and Guérault, friends of the empire; the reappearance of the bourgeois motto: *Liberty, Public Order*, in M. Pelletan's circulars; the obligatory, and already very significant, compromises from the platform; the immense effect of the speeches of M. Thiers, who in three days became the man for the job, to whom the majority of the Legislative Body, if they dared, would follow, as he does, willy-nilly, the minority; a host of symptoms that it would be tedious to note: does all this not denote that the system of 1814, amended in 1830, has become, despite the universal suffrage that changed all the conditions of government, the political, fantastic objective of the nation?

This influence is evident even in the government region. No doubt the constitution of 1852 retains energetic supporters; there are even some who would not shy away from the withdrawal of the decree of November 24. But these excessive devotions only belong to friends of the first and last hour: the middle ground wins; and if we cannot say that the head of state has already decided to support it, we cannot say that he rejects it either. What is certain is that the entourage is shared: the direction of the debates in the Senate and the Legislative Body; the deference of government speakers to those of the opposition; the courtesies exchanged; the advances made; the certainty of seeing the old parties resolve into a large Bonapartist party the day it is convenient for those in power to accept their wishes; the preoccupations with regency, everything that happens, in a word, in the higher sphere of power, as well as what is revealed in the deep layers of the nation, indicates that the transition is taking place, and that the France of February, after having so willingly become the France of December, is in the process of making, with the best of its heart, honorable amends to the France of July.

Thus, and by one and the same act, we retract and reverse our judgment doubly: first, with regard to the Napoleonic idea, to which we gave, in 1848, 5,600,000 votes; in 1851, 7,500,000; in 1852, 7,824,189, and which we abandon today; — second, with regard to the constitutional

monarchy, condemned and reviled in 1848, and for which we are now calling for its reestablishment. I say nothing about the Republic, which we also acclaimed, then renounced in the meantime from the constitutional monarchy to the second empire, and whose name would only serve to recall the memory of our cowardice and our betrayals. When I think of the Republic, I feel overcome by the disgust of my country and the shame of the French name: I prefer to remain silent.

When in 1848 the decree was issued by so-called republicans, then masters of affairs, which authorized the Bonaparte dynasty to return to France, to the exclusion of the Bourbon and Orléans dynasties; when Louis-Napoléon was subsequently elected President of the Republic, to the equal applause of the conservative party and the democrats, the bourgeoisie and the peasants, the Church and the army, the country and the government knew the scope from their actions, they knew what the name of Bonaparte meant, what Louis-Napoléon was; everyone therefore anticipated a new Brumaire, followed by a new constitution in Year VIII, a prelude to a new empire. Also the rallying, in 1851 and 1852, around the new Emperor was immense, and the reestablishment of imperial institutions accepted. It would be absurd to deny it. Is there anyone in France, however, who believes that things can remain as they are, after the decree of November 24, after the elections of 1863, and the last debates of the Legislative Body, in the presence of the accelerated movement of opinion? — No. Therefore, there is a reversal of judgment in France, with regard to December 2, I am not saying about the person, but about the system. — In 1852, I quote the imperial decree of that year, universal suffrage gave the re-establishment of the empire 7,824,189 votes against 253,145 ballots bearing the word *no*. In 1863, the same voters gave only 5 million votes to ministerial candidates; to those of the opposition, 2 million. So there is a reversal of judgment. In 1852, everyone made fun of liberty and liberalism, as well as libertinism: today, the first prince and the first dignitary of the empire speak of liberty like Messrs. Thiers, Havin and de Girardin. So there is a reversal of judgment. Has the imperial government, however, fallen short of public favor to the point of having motivated, through its policy, this change of opinion? We will analyze this government below, we will discuss its main acts; we will compare its actions with those of the July government, and will note that, if these governments bear little resemblance, they are equal. So, there is a reversal of judgment.

Let us come to the July government. Has this government not *fallen in the mud*? Was the country not disgusted with the parliamentary tournaments, and the ministerial intrigues, and the noise of the opposition, and the electoral regime, as well as with Louis-Philippe and M. Guizot? Had not *corruption* and *venality* reached the highest regions of power?... Without doubt the national reprobation had not, on February 21, concluded with the Republic. As usual, the French people, while waging war against the established power, did not dream of replacing it with another; the day before the catastrophe, they were not thinking about the Republic. But, when this Republic was established, whatever confidence it inspired, was not the unanimous thought, as far as the fallen system was concerned, that what had just happened was only justice?

However, we are being brought back with great strides to this system of *palaver*, of *camarillas*, of *intrigues*, of *hypocrisy*, of *corruption*, of *cowardice*. What did I say? We are half

committed to it: after what has happened since the opening of the chambers, we cannot say that the Constitution of 1852 reigns alone. Legitimists, Orleanists, Democrats, Bonapartists, opposition and majority, Senate and Legislative Body, great dignitaries, princes of the blood, newspapers on the side of the power and independent newspapers, everyone took to the alleys. Put to the vote the proposition of a constitutional empire; and, as little as the administration allows, it will collect eight million votes. So, there is a reversal of judgment. In 1848, the fall of M. Guizot; in 1864, the triumph of M. Guizot, all the more significant as this triumph would take place for the benefit of the dynasty, recalled, in 1848 and 1852, as the expression of the opposite system. Is this, yes or no, to reverse judgment, finally, from the idea of 1799, or that of 1830? And if, faithful to our first judgments, we want neither one nor the other, to which principle do we think we are calling? What will be our profession of faith?

But what would be the point of overwhelming a self-infatuated people with arguments and sarcasm, who never stood out for remorse any more than for judgment? Certainly, there is something in our history of the last fifteen years to make us modest. The French genius, the dignity of our nation, have suffered a strange eclipse. Let us therefore boast of being the leaders of the movement, of marching at the head of civilization! We have succumbed to our revolutionary task; we are the degenerates of 89: there are great powers in Europe; there is no longer a great nation.... However, let us not exaggerate anything. No people would have been sufficient for a work that requires the effort of humanity. We cannot save ourselves without help; the others will not save themselves without us either. This sterile agitation, these humiliating retreats, this deplorable decadence, are also the symptom of a universal recomposition. Let us not despair yet; let us not give in to misanthropy, which is also only a species of conceit and pride. We believed that constitutions were improvised: our presumption was severely punished. Let us recognize our fault, and, if we want it to benefit us, let us meditate on it as a teaching of Destiny, — what am I saying? — as a progress accomplished.

I have just shown you, reader, what a people are who reverse their judgment; I will now show you what happens when, abounding in their opinion, and full of their false wisdom, they refuse to reverse their judgment.

CHAPTER II

DYNASTIC IMMOLATIONS

In a recent writing (*If the Treaties of 1815 Have Ceased to Exist?* Paris, DENTU), published on the occasion of the Emperor's last message, I observed, something to which few people had paid attention, that the year 1814 formed in modern history the starting point of a political era that I called the *era of constitutions*. It was from this period, in fact, that the idea of a rational, regular government decidedly took hold of people's minds and entered into application.

Whoever says rationality naturally says science; what until then had been among peoples the product of instinct would therefore become the exclusive work of knowledge confirmed by experience. Now, science is one, like truth and justice: from this results, consequently, the tendency of modern nations, in both hemispheres, to constitute themselves on a uniform type, as if later all humanity were to rally around one and the same constitution. Among the innumerable systems that history and philosophy suggested testing, the one that obtained the most favor, which was judged to be the most conformable to scientific reason, which seemed to best reconcile all the divergences, to offer the most guarantees to interests and liberties at the same time as order, was the constitutional, representative and parliamentary monarchy. At our request, and under the influence of necessity, the Congress of Vienna had made the Charter an express condition of return for the legitimate dynasty, and of peace for Europe. It was the internal equilibrium called to complement and serve as a guarantee of the international equilibrium. Soon, on both sides of the Atlantic, all the States, old and new, following our example, successively carried out their conversion. So much so that in less than half a century, constitutionalism, in various forms, embraced almost the entire civilized world, and peoples, while retaining respectively their liberty and their autonomy, could nevertheless say that they were more united in the temporal than they had ever been in faith. Universal brotherhood, hailed in 93, was in full realization.

However, this was only the beginning, awaiting the sanction of experience. Naturally the Congress of Vienna did not intend to guarantee the perfection of the system, and it would be just as absurd to reproach it for the miscalculations of constitutionalism as it would be to attribute to it the more or less unfortunate delimitation of the States as a crime. The object of the treaties, it cannot be reiterated enough, was twofold: first, to establish international equilibrium in law, subject to territorial rearrangements that time would deem necessary; second, to establish governmental rationalism, political science, by giving people the guarantees that the progress of ideas demanded, guarantees of which the main one was to change, after testing, their own constitution. Formerly the stability of the State, its immobility, was established *a priori*, like a dogma; now this stability, becoming the object of science, research, experimentation, appeared only as the last term of political perfection. It was believed, as a result of the treaties of Vienna and the Charter, that the Revolution was over. In reality, we had only put it on the agenda in perpetuity. It was up to us to learn to make this revolutionary state our life, on pain of perishing from it.

RESTORATION

The development of liberal ideas was rapid. The French people, above all, were passionate about the Charter, in which they initially had implicit, absolute faith.

As ancient divine right had been an article of faith, constitutional right, as it stands, in turn excludes even the shadow of doubt. With the Charter, firmly intended and faithfully executed, all difficulties disappeared. For a time, France, infatuated with the Charter, believed itself to be royalist, reconciled with itself, having returned from twenty-five years of madness and crime. It blessed the legitimate princes, martyrs of fatal errors; the despot, whose iron reign had delayed these precious guarantees by fifteen years, was cursed; it hated the Revolution, whose excesses had caused it to be misunderstood. Religion benefited from this political remorse; it flourishes again as in the best days of the Church; and the RESTORATION, as they said then, seemed established forever.

The illusion, alas! was short-lived. We were soon to learn, to our cost, that if the Creator delivered the world, the work of his hands, and Revelation itself, the expression of his Word, to the disputes of men, he made no reservation in favor of the conceptions of our poor intelligence. Little by little we realized, but without wanting to admit it, that the immortal Charter offered material for interpretation; that each of its articles raised an ocean of doubts and comments: in short, that this rationalism, so conciliatory, so liberal, so philosophical, was an arena of divisions. Painful pulling sensations were felt everywhere; a formidable antagonism was revealed: instead of examining the machine rationally, as we should have done, and looking for scientific error and contradiction, we began to suspect and accuse each other. Measuring each other with our eyes, there were cries, from the right, of conspiracy and regicide; from the left, of tyranny and privilege. Those who, in agreement with the royalty, the nobility and the Church, always emigrants, rejected the scientific, liberal, purely human principle of the Revolution, and took refuge in the transcendent conception of authority and faith, these naturally could only see in the Charter an imperfect, ambiguous expression of revolutionary right, an infernal machine: how then could they have criticized it? How, not even giving the Charter the honor of a philosophical examination, since they denied its elements, could they not have been held suspect, and considered enemies of order and public liberties? — As for the others, who were soon to find themselves in an immense majority, placed in the opposite point of view, they did not admit discussion either. To deny the Charter, a monument of modern philosophy and the experience of centuries, was the height of aberration. Did not the Charter have as its foundation human reason, emanating from God prior to Revelation itself, whose agreement with the Faith the rejuvenated Church proclaimed every day? By establishing the sovereignty of the nation, did this same Charter not recognize the legitimacy and authority of the king? Alongside free philosophy, did it not declare the religion of Christ the religion of the State? Finally, the Charter, considered in its spirit and in all its parts, was it not, like the concordat of 1802, like the alliance of the Pope and Charlemagne, like the Gospel itself, the renewal of the pact eternal between man and God?...

This is what the supporters of the Charter said in 1820, and what they still say today. How could these liberals, rising above parliamentary control, have had the idea of constitutional criticism? Did Messrs. Thiers, Guizot and so many others reach this point? Rather than assuming the slightest fault in a system of such recent invention, people preferred to accuse exclusively retrograde passions, the obstinacy of the princes, the intolerance of the Church, the false maxims of divine right, etc. Singular thing, men have no less faith in the idols of their reason than in those of their instinct: we swore on the Charter, a political hypothesis, as formerly on the Gospel; the legitimate king, author of this Charter, was called a traitor and a felon!... Certainly, there was, in these times of agitation, the fault of men; but who among subsequent generations would dare to say today that the system was not much more to blame?

We know how the struggle ends. The majority in the House having moved; the center of gravity of the government having retreated two degrees to the left, 221 against 219, Charles made up the difference; he wanted to govern against the majority. The fatal orders were issued: immediately Paris rises up, with the cry of *Long Live the Charter!* Then, as victory never loses its rights, the dynasty was changed, article 14 modified, the Catholic religion declared simply the religion of the majority of French people; the electoral census lowered; in short, the Constitution was purged of the equivocations, contradictions and exorbitances that, in the judgment of its devout defenders, embarrassed its progress.

Nothing highlights this constitutional fetishism better than the relentlessness with which the princes and all those suspected of being hostile to it were pursued. Without doubt, in 1814, we asked above all for the consecration of the social principles of 89. But, with regard to the organization of the government, we were no less concerned with the monarchy as being its form and the essential condition: this was the triumph of legitimacy. Why then this violent, insulting hatred against old Charles X? Was there not as much reason to believe that he was acting according to the logic of his principle as to accuse him of abominable perjury? Why then, the King and the Dauphin having signed their abdication, did the proscription extend to the Duke of Bordeaux, their nephew, a child of eight years old, and to the Duchess of Berry his mother, favorable to the liberal party? It was not hatred of the royalty, since the Bourbon dynasty was immediately replaced by that of Orléans. Was it supposed that the elder branch carried in its blood, like an indelible virus, the horror of the Charter? Let us not forget that in 1793 Louis XVI and Louis XVII; in 1815, after the disaster of Waterloo, Napoleon I and Napoleon II were victims of this frenzy that was both political and mystical. The constitutional system was considered equal to a religion; and any attack on it was punished as sacrilege. Thus a royal race was sacrificed; we created a dynastic competition; the Church, bride of Christ, was beaten; the royalty was brought down; the importance of the upper class, conservative by nature, was diminished in order to appeal to the influence of the middle class, all for the sake of the glorification and the guarantee of a metaphysical formula...

JULY MONARCHY

The expulsion of the senior branch was not to be the last of our constitutional tragedies.

In 1830, faith in the Charter was therefore complete. A few solitary geniuses had indeed had concerns: the masses had no doubt about the truth and effectiveness of the idea. Only faithful men were required to implement it. However, it is above all from the faith of the masses that societies live. Why were the fifteen years of the Restoration, in the final analysis, the happiest we have experienced since 89? Quite simply because they were years of faith. Louis-Philippe's first ten were still passable: we admired this clever equilibrium, which determined with such precision the share of the different powers, reconciling Liberty and Authority, marrying the reserves of Conservation to the aspirations of Progress. The bourgeois, no longer worried by the shadow of the nobility, felt honored by his electoral dignity, and fulfilled his duties with a zeal, a civic virtue that promised long days for the new establishment. The national guard, in perfect communion with the prince, surrounded the Constitution with an invincible rampart. The man of the people aspired, without too much impatience, to the exercise of political right, whether a modest fortune, honorably acquired, led him there; or whether, by a new benefit from the legislator, the census, by lowering itself, brought him closer to it; and this legitimate ambition, instead of corrupting souls, elevated them. In this progressive leveling of sovereignty, we liked to see the sign of a better distribution of wealth, the guarantee of moral development, and the gage of an inviolable internal and external peace.

So the joy that followed the July Revolution was unadulterated, the rallying around the new dynasty complete. The constitutional system amended according to the spirit of the latest controversies, presided over by a philosopher king who had fought in 92 for freedom, and which included the Charter, was defined as a *Monarchy surrounded by republican institutions*. Lafayette, showing Louis-Philippe to the people, had called it the *best of Republics*: never had a movement been more national, more grandiose. The nations were deceived: all applauded the firmness and moderation of the French people; those who could imitated our example: we believed in the energy of our character, in the seriousness of our resolutions, as much as in the certainty of the system. Very few people noticed that this July revolution, which seemed the condemnation of right against a senseless despotism, had only been a crisis through which the antagonism of the system had been vividly revealed, and that this France, which in the best faith in the world persisted in believing itself to be monarchical, and in which the vestiges of the ancient hierarchy were discovered everywhere, decidedly inclined towards a democratic promiscuity, where order would only be sustained by dictatorship; where the coalition of capital would create a new feudalism; where labor would be more enslaved than ever; where consequently liberty could not fail to perish. Moreover, had the country read in the Charter the announcement of this great social transformation, no one would have been alarmed. Democracy, one would have said, is *Equality*. We would have welcomed the prognosis with happiness; we would have seen it as proof of the infallibility of the system, and we would have exclaimed, applying the old monarchical formula to the Charter: If the Constitution dictates, then Progress dictates.

What then was the disappointment when we saw the expurgated Charter of 1830 produce, under the popular dynasty, worse results than those it had produced under the legitimate dynasty! Something from which we could not return, the more we questioned this Charter, the more the opposing points of view of Authority and Liberty, of royal prerogative and parliamentary initiative, of bourgeois conservation and plebeian liberty, pressed their consequences on us, and the more contradictions it gave birth to. Ten years after July, political faith was dead in the French bourgeoisie. The memories of this period are present: let us say whether the parliamentary debate was not a long riot, bringing out some new scandal every day; if King Louis-Philippe was not even more unpopular, more hated, more outraged than Louis XVIII and Charles X had been; if the play of institutions, which had to work by themselves, was not forced everywhere; if the government does not degenerate into a camarilla; if corruption was not brought to its height in the elections, in the administration, in the chambers; if, while the working plebs aspired, in the naivety of their faith, to political life, the conservative majority did not abandon its privilege, half-heartedly conspiring with the power to ruin institutions? The men of the Restoration, in the fervor of their rationalism, forgetting their quality as children of the Church, were noted for their religious indifference, but their political conviction was all the more lively; those of 1830, initiated into the system, soon stood out for their hypocrisy and their wantonness. From 1840, the July monarchy, which felt itself dying, killed by skepticism, took refuge in faith. It made itself, as much as it could, quasi-legitimate, affecting the customs of the old regime, and itself denouncing the falsity of its principle. Its fate was quickly decided.

No more than in 1830, did we wonder in 1848 if the cause of the disorder was not in the constitutional organism at least as much as in the bad conscience of those who govern; if the one who raised the cry of alarm, *legality is killing us*, had not expressed a profound truth; if, while the ministry, opposition and ministers, the monarchy and the democracy, the people and the government were being indicted, everyone was not the fool of a hallucination. Just as in 1830 the legal country had been accused, it was accused in 1848: it is still the honor of the generation of these two eras to have believed that the institutions of the homeland, as regards their fundamental principles and their essential forms, could not be wrong. In one time, two movements, royalty was debased: democracy found itself in control, and for the second time the pact was revised.

But the saddest part of the adventure was that the thirty-three years of the constitutional regime that had passed since the general peace had been completely lost to political science; no superior thought had been produced on the platform, either on the Charter, or on the foundations of society and the conditions of the organization of the State; criticism was fierce against the ministries, but always based on the written constitution; never, rising to the height of a philosophical examination, had it taken as its object the constitution itself. In 1848, we therefore found ourselves less advanced than in 1814: because, finally, everyone, at the beginning of the Restoration, admitted, in matters of government, the competence of reason, believed in the reality of a doctrine, to a science, whereas in 1848 we no longer believed in it. It was in vain that the socialist schools made noise about *social science*: without counting that they were still producing their hypotheses and testing their dogmas, we could not hear them; opinion had become perverted.

A singular effect of the parliamentary regime, which had been so abused since 1830, was that we no longer admitted, in matters of society and government, either *religion*, or *right*, or *science*; we believed in ART. And the masses inclined to it; they have, fundamentally, always inclined to it. The product of high ambition, a mixture of skill and audacity, this is what political genius is for them. Insensibly, since the death of Casimir Périer, the power had become an artist; after a little longer, it fell into bohemianism. What remained of political faith was the work of a few Republicans, in the minority in their own party. This little faith, however, is enough to constitute the Republic, but we must see in what way.

REPUBLIC OF FEBRUARY

Such had been the bourgeoisie in 1830, confident in its maxims, and all the more presumptuous; such was democracy in 1848. Most of the men of February had seen the fall of the first empire; they had attended the debates of the Restoration, fought in July, followed the controversy, more incisive, more radical, of the chambers of 1830: they had studied more than had been done before them, in its action and in its decrees, the Revolution: there are so many reasons to be circumspect, and to only assert a good game at a good price. Nothing helped: like their predecessors, the bourgeois of the Charter, they doubt nothing, they walk in the fullness of their illusions.

The republic of February was only the continuation of the July monarchy, *mutatis mutandis, exceptis excipiendis*. Everything was limited, it was thought, to simplifying the pact, by eliminating the royalty, which had become an impossible organ; to develop certain principles, of which we had only half applied; to restrict certain influences, preserved from another age, which the necessity of transitions had enforced. The republic was therefore proclaimed, a consequence of the dogma of the sovereignty of the people; — universal suffrage established, a consequence of the principle of equality before the law, and complement to the reform already made in 1830 to the electoral system; — the two chambers reduced to a single assembly of representatives directly elected by the people, a consequence of the negation of the aristocratic element, in a homogeneous democracy. These reforms were irreproachably logical: the Revolution, in 89, had established the bases; the charter of 1814 had accepted the data; that of 1830 had not hesitated to indicate its end: it was with complete sincerity that the democracy continued an evolution begun thirty-three years ago by those very people who, retreating from their own principle, were going to pose as its adversaries. But it was only student logic, a miserable routine. The February establishment was, like the others, a chance attempt; what did I say? If the founders of the democratic republic of February had truly been free thinkers; if, in affirming human reason and human right, they had known its rules better, they would have realized that their republican constitution, resulting directly from two monarchies, was only the reduction to absurdity.

Certainly, and I will not deny it, the reaction against the Republic of 1848 began with the Republic itself: it fell, this Republic, under the conspiracy of its innumerable enemies, even more than under its own utopia, which is saying something. But finally, I ask the Democrats, has their

political faith not been shaken since 1848? Have they retained the same confidence in popular citizenship, in the intelligence of the masses and their incorruptibility? We attributed the facilities for corruption to the small number of voters: has it not been demonstrated ten times, over the past fifteen years, that it is incomparably easier to seduce, and at a lower price, 7 million voters than buying 200,000? We based ourselves on the apparent synonymy of these two names: *Democracy* and *Republic*, to predict an eternal duration for the February constitution: did the vote of December 10, 1848, a prelude to those of December 1851 and 1852, not expose the princely inclinations of the plebs and their absolutist tastes? Have we not seen again the cliques, the intrigues, the reactions, the laws of repression, the civil war, the proscription, the massacre, and, something even more odious, after the massacre, the man that the bourgeois party had charged with defeating the popular party, Cavaignac, who became a candidate for the presidency, denounced by his accomplices as the assassin of the people? What was the use of the unity of the national representation, and the subordination of the executive to the legislature, and the constitutional guarantees, and the deployment of liberties? The multitude — and in this word I make no allowance for any class — has shown it to be nothing; after December 2 as after 18 Brumaire, it applauded the expulsion of the *advocates*, the silence of the gallery, the gagging of the press, the law of general security; it showed itself indifferent to the transport, to the exile, to the ruin of a hundred thousand citizens, the most devoted to the republic and the bravest. Let us move on from the strange policies it has adopted over the past ten years, which have exposed its ineptitude and its detestable instincts. Now it seeks other pleasures; it needs *opposition*, even if it asks for it from the defectors of the Republic, from the instigators of the empire, from those familiar with the Palais-Royal, from the guests and councils of the Tuileries; it delights in harangues; it becomes formalist, it dares to speak of liberty! Ah! Let the *people's chosen representative* try his hand wanting to satisfy the *people*, their creator, or, failing that, to contain them: but let him know one thing, it is that today, even more than in 1814, there is salvation for the French nation only through reason, and that we have lost even the faculty of reasoning. Ideas have become indigestible to us; we feast on figures and charts. Intelligence is weakened in us, conscience without a spring. Science, which enlightens reason, strengthens the heart, nourishes the soul, repulses us: what we ask for are stimulants that help us to enjoy, even if they, by shortening our existence, make our death ignominious.

— Who are you writing for then, someone will ask me, if this is the opinion you profess about your contemporaries? — Readers, you know the proverb: “There is no war so great that there is no escape.” I calculate that in the most crippled society there always remains one per thousand of uncorrupted blood, and that this ferment would be enough to rejuvenate, in a fairly short time, our nation. Then there is the outside which, in this decrepitude of our race, deserves that we take some notice of it. France, we must agree, does not lead humanity. I therefore thought that after half a century of more or less constitutional exercises, there would be some interest in dismantling this machine, and since it is our nation that, as the most advanced, provides the most to the observation, to take it as a subject of study.

What! because the world is given over to intriguers and scoundrels, we would abandon ourselves! Because society is sick, we would say that health and virtue are words! Because we were disappointed in our monarchical-parliamentary combinations, because we did not know how to organize our republic, and because we misjudge ourselves today, we would throw ourselves into skepticism! What nonsense! No, no. Right and science are the true powers of humanity: let us unite in them; by them, one against a thousand, against ten thousand, we are strong enough, and we will overcome, according to what the Psalmist says: *Cadent a latere tuo mille et decem millia à dextris tuis*. In 1848, we were accused of testing our theories on the social body as on someone condemned to death. Well, today it is not an experiment *in anima vili*. All the governments that France has given itself since 89 have died at a young age: none were born viable. Let their corpses at least be used for an autopsy: that will be enough for their glory.

CHAPTER III

THE FIFTEEN CONSTITUTIONS OF THE FRENCH PEOPLE: PRELUDES OF THE SIXTEENTH.
— EUROPE AND AMERICA WORKING ON CONSTITUTIONS AND REFORMS. UNIVERSAL
MALAISE.

To interest a public like ours in political studies, in what we dare call the science of government, the first condition is to shake off the dust of old authors, to renounce school traditions, to put aside entirely pedantic erudition, the official and academic style. What Frenchman does not yawn at this single phrase of Constitutional Right? Who could resign themselves, today, to devouring an entire library of publicists, their names Bossuet, Montesquieu, J.-J. Rousseau, Mirabeau, J. de Maistre, de Bonald or Chateaubriand? Our fathers, if history is not false, were passionate, in 89 and 93, about these difficult subjects. It is true that the debates of the Constituent Assembly, of the Legislative, of the Convention, the stormy eloquence of Mirabeau, Maury, Vergniaud, Robespierre, the demonstrations of the sovereign people, all this bloody and passionate drama of the Revolution, serving as interpreter, sustained attention, sharpened intelligence. But, less than ten years after the convening of the States General, they were disgusted by all this literature; the country shouted *en masse*: Out!...

Since then, we have thrown away this one-day philosophy; we have even forgotten our catechism. Proletarians and bourgeois are as incapable today of responding about the institutions of their country, about the principles of government and the conditions of freedom, as about the articles of the Christian faith. No more political instruction than religious instruction: which does not prevent us from judging wrongly the conduct of governments, the progress of States, the right of nations; to rule Europe and America, and as electors, once every six years, to act as sovereign, by giving ourselves agents. It is true that our mandate is signed in blank.

We need to change our method. Political science can only be, after all, a branch of social science, a division of anthropology, a section of natural history. Let us therefore treat it like natural historians: we will gain, first of all, by getting rid of all the old rubbish; then, to speak a clear language, carrying its certainty within itself, and capable of defying, through the rigor of its logic, all the subtleties of skepticism. Under these conditions, politics; or the natural history of the States, could compete with the natural history of animals.

Do you know, reader, how many constitutions have been officially proposed to the French people, by their authorized representatives, since the fateful year of 1789? FIFTEEN. Of this number, *twelve* were decreed or voted, *ten* put into execution; the last, modified several times, is in the process of metamorphosis. These fifteen constitutions, which you care about like the snows of yesteryear, form the body of our public right; they are the sacred deposit of our liberties and our guarantees, the ark of our institutions and our destinies. Nothing more respectable under our sun: this is what we live on politically; this is how we are counted for something. Remove this basis, there is no longer France: the French territory and its inhabitants are from now on, like the wild regions of central Africa, only a geographical expression; they do not form a State; they cease to

have a place in political frameworks. So allow me, for the sake of the importance of the thing, to give you here, by dates, the nomenclature of these fifteen constitutions, the first chapter of our political catechism.

HISTORICAL TABLE OF THE CONSTITUTIONS OF FRANCE
FROM 1789 TO 1864:

The French nation having therefore resolved to give itself a constitution, the *Estates General*, as it was then called, were convened by an edict of King Louis XVI, recorded on September 27, 1788, for May 1 of the following year, forever memorable, 1789; and the voters, gathered by bailiwicks, invited to make their wishes known in *notebooks*. These notebooks were to form, in a way, the mandate of the deputies: never has a nation, either before or since, made its will known in a more authentic manner. The constitution to be drawn up had to be the most faithful summary possible.

1. — *Constitutional plan*, presented to the Constituent Assembly by the constitution committee, July 27-August 31, 1789.

This plan was not adopted. Although it had been written under the influence of the days of June 20, July 14 and August 4, 1789, and although it already went beyond the thought of the notebooks, it was eminently monarchical, and had not entirely broken with the feudal idea, the principle of which it officially maintained in the duality of national representation, the *Legislative Corps* and the *Senate*.

2. — *French Constitution*, decreed by the Constituent Assembly, accepted or submitted to by the king, September 3, 1791.

The ideas worked: the *veto* is abolished; instead of two assemblies, there will be only one; the king only has executive power.

Executed as best as possible until August 10, 1792.

3. — *Constitutional plan*, presented to the National Convention by the constitution committee (edited by Condorcet), February 15 and 16, 1793.

This constitution, purely democratic, which abolished royalty, was sent to the 85 departments and the armies for their opinion. But the Convention, distracted by other concerns, did not occupy itself with its discussion.

4. — *Constitutional act*, presented to the French people by the National Convention (drafted by Robespierre), June 24, 1793.

This constitution, called that of Year II, is only a reduction of the previous one. It was accepted by the people, but held in reserve and covered with a veil until the peace.

5. — *Constitution of the French Republic*, proposed to the French people by the National Convention, August 22, 1795.

Accepted by 1,057,390 citizens, rejected by 49,977.

The directorial constitution, or that of Year III, is in retreat on that of Year II. The monarchical element reappears in the form of a five-headed Executive Directory; dualism is

reestablished in the chambers; the electoral system is organized in such a way as to keep the plebs at bay. It lasted until 18 Brumaire Year VIII (November 10, 1799).

6. — *Constitution of the French Republic*, decreed by the legislative commissions of the two Councils and by the consuls, 22 Frimaire Year VIII, or December 13, 1799.

Work of Syeyès, modified by Bonaparte who made it an instrument at his convenience, it abolished the representative system, left only a shadow of liberty, and, without completely reestablishing the former despotism, regressed far beyond of the thought expressed in the *notebooks* of 1789. It was nonetheless accepted by 3,011,007 *yes*, against 1,562 *no*!

7. — *Organic Senatus-Consulte of the Constitution* (16 Thermidor, Year X) — August 4, 1802.

The Constitution of the Year VIII did not respond to Bonaparte's ambition, and, already so little embarrassing, still hampered his despotism. Consequently, after the Peace of Amiens, he was appointed consul for life; the electoral system, so little to fear, is amended; the Tribune mutilated; the constitution distorted in its essential bases. These reshufflings received the sanction of 3,568,885 votes, against 8,365. The more despotism develops, the more the democracy applauds.

8. — *Organic Senatus-Consulte*, or Imperial Constitution, purely autocratic and absolutist (28 Floréal, Year XII), May 18, 1804.

Accepted by 3,521, 675 *yes*, against 2,679 *no*. It lasted until April 2, 1814, the day the *Sénat Conservateur* declared the forfeiture of Napoleon Bonaparte and his family.

9. — *French Constitution*, decreed by the *Sénat Conservateur*, April 6, 1814. It was the deal offered by the Senate to Louis XVIII, who responded to this proposal by the:

10. — *Constitutional charter*, June 4, 1814.

Granted by the king, consequently not subject to the acceptance of citizens dishonored by the votes of Year VIII, Year X and Year XII, the Charter reproduced, as regards the organization of power, the ideas of 89 and 95, but excluding universal suffrage.

11. — *Additional act to the constitutions of the Empire*, given by Napoleon Bonaparte, April 22, 1815.

Accepted by the people and put into force until June 22, 1815, the date of Napoleon's second abdication. The *Additional Act* is a copy of the Charter of Louis XVIII, except the electoral system, borrowed from the Constitution of the year reproduced by Napoleon III in the Constitution of 1852.

12. — *Draft constitutional act*, presented by the central commission of the House of Representatives, June 29, 1815.

This draft aimed to establish universal suffrage at two levels; moreover, a simple modification to the Charter. To this draft constitution must be added the declarations of the legislative power, of July 2 and 5, 1815, concerning the *Rights of the French people*. The return of the Bourbons, under the protection of foreign bayonets, brought back purely and simply the Charter of 1814.

13. — *Constitutional charter*, adopted by the Chamber of Deputies, August 9, 1830.

14. — *Constitution of the French Republic*, decreed by the Constituent Assembly, November 4, 1848.

It established universal and direct suffrage, reduced legislative power to a single assembly, and entrusted the executive to a president, elected for four years by the people.

Law restricting universal suffrage, May 31, 1849.

15. — Constitution given by Louis-Napoléon Bonaparte, January 14, 1852.

It reestablishes in its integrity universal suffrage, begun by the law of May 31, but returns to the ideas of Year VIII with regard to the distribution of powers. Since then, it has received several modifications:

1° Senatus-consulte that reestablishes the imperial dignity in the person of Louis-Napoléon Bonaparte, with hereditary status in his family, November 7, 1852;

2° Senatus-consulte that interprets and modifies the constitution and repeals several articles, December 25, 1852;

3° Senatus-consulte that modifies article 35 of the constitution, May 27, 1857;

4° Decree that authorizes the Senate and the Legislative Corps to discuss and vote on an address, November 24, 1860.

These modifications completely distorted the constitution of 1852. From the republican and dictatorial character that it had originally, it became first monarchical and autocratic, then representative and parliamentary; it tends, as we saw above, to fit into the system of 1830. — We will have to examine it closely.

In summary, fifteen constitutions, and, if we want to take into account only those that have been applied, ten constitutions in sixty years, or one constitution every six years: this is what was, from the convocation of the Estates General until the re-establishment of the Empire, our political production and our consumption. And we know, beyond any doubt, that a sixteenth and no less unfortunate combination is being prepared.

These are the facts that history provides us with, and the law of which we have to discover. Man moves, someone said, and God leads him. Now, God is universal Reason. So what is it that makes you dance and twirl like puppets on the political tightrope? What is the reason for this movement? What could be its end? Are we soon at the end of hypotheses, I should say of martyrdom? Among so many systems, invented to guarantee us these great goods, liberty, justice and order, will there not be one found in the end on which our reason and our conscience rest? Who will make it known to us? By what sign will we recognize it? When will we be able to enjoy it? Is there a science, a logic, a method capable of solving such problems?

Let us observe that the worry that torments us is rife throughout the world. If we have come further in our political career at this time than others, or to express myself in a more technical way, if we have accomplished a greater number of constitutional developments, it is because we have started the motion; it is because having, for our start, made a clean slate of everything that could hinder our movements, nothing could stop our course; it is also because we are of a more lively mind, of a more flammable temperament, and because we have a more nimble hand than our imitators and our rivals. These observations should reconcile us a little with ourselves. Not everything has depended on our character, our prejudices and our faults, in the actions of our history. It is obvious, in fact, for anyone who cares to look, that, since the end of the great wars,

the whole of Europe has been taken, like France, by the disease of constitutions. Wherever a constitution, consistent with the genius of the times, has been lacking, revolt has arisen; wherever a constitution was given and applied, the inadequacy was not long in making itself felt, and there was a demand for reform.

What is this question of Schleswig-Holstein, which is currently agitating the powers, keeping diplomacy in suspense, and for which a congress is being requested? — A question of constitution, and a most complex one, since it involves Denmark, Schleswig-Holstein, and the entire Germanic Confederation.

What torments Germany, and has pushed it with a kind of rage on Denmark? — It is because it is not constituted, because its federation is entirely in the ideal, and because with the rivalry of its princes, the contradiction of its States, the fragmentation of its nationalities, shrouded in intrigue, surrounded by betrayal, threatened from all sides, it does not feel alive; it has never even lived.

Why does the King of Prussia bicker with his people? — Because they don't agree on the Constitution.

Where did the Civil War in the United States come from? From the fact that the North and the South claim to exploit, each for their own benefit, the Constitution.

What do we make ourselves in Mexico? A Constitution.

Polish question, constitutional question.

Hungarian question, likewise.

And Italy, and Spain? battlefields, for forty years, of the constitutional idea.

In 1825, during the accession of Emperor Nicholas, an insurrection broke out in Saint Petersburg. Why? For the Constitution. Since the Crimean War, Russia, said one of its ministers, has been reflecting; it emancipates its peasants, gives them property, reorganizes its government, that is to say it prepares its Constitution.

Most of the constitutions that have been given since 1814, in both Worlds, have received numerous modifications, sometimes they have undergone a total overhaul. Switzerland itself has twice revised its federal pact. And this Belgium, which is constantly cited as the type of constitutional states, is rotting in its doctrinairism, between its clericals and its liberals. A few years ago, it almost gave its king a shock; today, it is clamoring for its provincial and municipal franchises, shaken by the Unitarians; it dreams, not of Charles V, nor of Joseph II or Napoleon, but of Jacques van Artevelde!

England alone seems immobile, sheltered from catastrophe. This is because in England they have AGREED, all the same, to maintain themselves in faith. In England, that have faith in royalty, faith in the aristocracy, faith in the bourgeoisie, faith in the Church, faith in the Bible, faith in the Magna Carta. But this faith is only a disguised empiricism, which refuses, and wisely, any rigorous definition. It is an error to speak of the English Constitution: no lawyer would undertake to extract it from the arsenal of its laws. What exists in England is a factitious opinion, indicating from day to day what the empiricists of the government must do, covering themselves with the mantle of laws, of which there is a good provision for all cases. If there were a constitution in

England, the royalty, the aristocracy, the bourgeoisie, the Church would have disappeared a long time ago. But wait until the idea enters John Bull's head, with universal suffrage and socialism; and you will see!...

I summarize this entire third chapter in a few words: The 19th century is in the process of establishing its political (and economic) constitution. France is the country where this work of humanitarian creation has occurred so far with the most energy: moreover, the phenomena are the same everywhere. Let us therefore try to grasp the law by analyzing our history.

CHAPTER IV GENERAL CRITIQUE OF CONSTITUTIONS

Historical series and logical series. Extremes and mediums. Discovery of the constitutional cycle.
— Perpetuity of change. Constant instability.

The fifteen Constitutions of which we gave in the previous chapter, in order of dates, the notice, adding, on one side, the *notebooks* provided by the electors of the three Orders to the deputies of the Estates General; on the other hand, the *senatus-consultes* of 1852, 1856 and 1857, as well as the decree of November 24, 1860, serving as preludes to a new Constitution, form to this day the whole of our political evolution.

Now, the first observation to make on this vast movement is that the historical or chronological order in which these constitutions succeed one another, and which we have adopted for our notice, does not indicate their rational filiation, assuming that they have one; and that consequently this order is powerless to give us the theory of all these revolutions. After a monarchical constitution, there comes an ultra-democratic one; after this a republic of bourgeois *juste-milieu* appears; then comes a military autocracy; then a parliamentary monarchy; then again a democracy; then an empire. But nothing in all this makes us suspect what all these constitutions, whose divergences are clearly visible, may have in common; what relationship unites them; what thought inspires them; why they follow one another in turn, often passing from one extreme to the other, and after having shown equal impotence. However, it is precisely the law of these transitions that it is important to discover. Involuntarily we remember Petit-Jean's speech in the *Plaideurs*:

Gentlemen, when I regard with exactitude
The inconstancy of the world and its vicissitude;
When I see, among so many States, all different,
Not on fixed star, and so many wandering, errant;
When I see the Caesars, when I see their fortune;
When I see the sun and when I see the moon;
When I see the States of the *Babibonians*,
Transferred from the *Serpents* to the *Nacedonians*;
When I see the *Lorrains*, of the State *despotic*
Go to the *democratic*, and then to monarchic...

And we ask ourselves whether these vicissitudes are the work of Destiny or Providence; in any case, what reason presides over them.

To answer this question, there is obviously only one way, which is to examine and compare all these constitutions, in their relationships with municipal, provincial, corporate and individual liberty; with civil right, public right and international right; with philosophy, the arts, civilization, morals, etc. Such work would require volumes, which no one would read. Fortunately logic provides wonderful methods of abbreviation, which, I am sure, will please the reader.

We have previously given the list, in chronological order, of our fifteen constitutions. We will now arrange these same constitutions in another order; replace the historical series, which explains nothing to us, with a rational series, by which I mean a reasoned graduation, according to the characteristics of each constitution, which will make them appear to us all together as the levels of a single and even system, species or varieties of a single genus.

Suppose, for example, that we take as our first term of comparison the constitution of 1804, the most autocratic of all, it will not take us much reflection to recognize that the one that comes closest to it, from this point of view of autocracy, is the constitution of 1802; the third, in the same order of ideas, is the constitution of 1852; so that by always following the same element, we arrive at the constitution of 1793, the opposite of the first, in which democracy is dominant and where there is no longer any vestige of the autocratic. The charter of 1814-1830 forms roughly the middle.

Rational series of constitutions of the French people, from 1789 to 1864.

Constitution of 1804: imperial; pure autocracy.

Constitution of 1802: consular for life, dictatorial.

Constitution of 1852, November 7: imperial; slightly tempered autocracy.

Constitution of 1852, January 14: dictatorship for ten years.

Constitution of 1799: dictatorial triumvirate, for ten years.

Constitution of 1860, November 24: imperial, with a parliamentary tendency.

Constitution of 1815: imperial constitutional.

Constitution of 1789, July 27-August 31, draft from the notebooks: constitutional monarchy, surrounded by feudal memories.

Constitution of 1815: imperial constitutional, representative, and quasi-parliamentary;

Constitution of 1814: constitutional, representative and parliamentary monarchy; legitimate dynasty; high electoral census.

Constitution of 1830: the same, with reduction of the electoral census, definition of the royal prerogative, and elected dynasty.

Constitution of 1791: constitutional and representative monarchy, but not parliamentary, the kingship being subordinate to the assembly.

Constitution of 1795: republican, but elections at several levels; two chambers forming a *bascule*, five directors.

Constitution of 1848: democratic republican; universal and direct suffrage; one chamber, one president.

Constitution of 1793: representative democracy, a single assembly; all public officials appointed by the people.

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An important thing to point out: neither the constitution of 1804, nor that of 1793, are the exact expression of autocratic absolutism or pure democracy, given that any absolute is by its

nature unrealizable. This is why we have indicated, by a series of points placed at the beginning and at the end of the series as a *desideratum*, the absence of these two absolutes. But we should not conclude that the two aforementioned constitutions indicate reversed positions: it is far from it, in fact, that the democratic principle has been pushed as far, in the series, as its contrast, the imperial principle. The constitution of Robespierre is not the exact antithesis of that of Napoleon. Also, in 1851, some democrats, hoping to revive the zeal of the masses for republican institutions, proposed, under the names of *direct government*, *direct legislation of the people*, draft constitutions which, from this point of view of popular sovereignty, left far behind them the acts of 1848, 1795 and even 1793. I do not have at this moment to assess the value of these propositions: I only want to point out, for the rigor of the theory, that these systems would in no way change the spirit of the series, since it consists of showing to the eye, in a reasoned table, that all the constitutions of the world, however numerous they may be, will always be placed between two diametrically opposed terms, forming both ends of the chain. Everyone understands that, just as by the constitution of 1804 all powers were united in the hands of a single man, so, by an inverse constitution, they could be brought together by the people, deliberating and acting without representation, judiciary or ministry. There universal suffrage would be useless. But whether or not a similar constitution has been applied is of no importance: the consequences that we will have to draw from the series will nonetheless remain the same, and our reasoning will retain all its certainty.

Instead of drawing up the series starting with the constitution of 1804, the highest expression of autocracy in France since 1789, we could also have started with that of 1814 or any other, always following the constitution that is closest to the first, chosen as the first term, or which deviates the least from it.

Constitution of 1814: doctrinaire or *juste-milieu*.

Constitution of 1830: tending towards democracy.

Constitution of 1791: monarchical subordination.

Constitution of 1795: swinging republic.

Constitution of 1848: the same, only one chamber.

Constitution of 1793: subordination of the bourgeoisie to the people.

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Constitution of 1804: pure, hereditary autocracy.

Constitution of 1802: dictatorship for life.

Constitution of 1852, November 7: temperate autocracy.

Constitution of 1852, January 14: ten-year dictatorship.

Constitution of 1799: Triumvirate for ten years.

Constitution of 1860, November 24: imperial, with parliamentary tendencies.

Constitution of 1789: constitutional monarchy, with noble traditions.

Constitution of 1815: imperial, quasi-parliamentary.

Observations. A. — The series of Constitutions, as we have just drawn it up according to our own history and according to the comparison of the different regimes, forms what I will call the *Constitutional Cycle*, in which all society is called to move, until its final organization. This cycle results from the preponderance successively given to each of the social elements: we find it more or less pronounced in the history of all peoples.

By means of this cycle, we can realize the truth of this proposition, which has become a proverb, but which nonetheless retains something mysterious for intelligence, namely that *the extremes touch*.

Let us suppose that instead of laying out the previous series in a perpendicular column, it would have been possible for the printer to arrange the lines in a ring, like the rays of the circle, or the compass rose: we would see eye that the extremes of autocracy and democracy are as close to each other as the environments of parliamentarianism. And as the theory always has its application in practice, we find here the reason for a fact observed for a long time, but explained little or not at all, which is that in the States subjected to constitutional agitation, we have seen the government, after having touched, for example, the democratic limit, instead of returning by a regular oscillation towards forms of the middle ground, suddenly passing to autocracy or absolute power. The cycle makes the thing intelligible. Nothing is more opposed, in theory, than these two terms, autocracy and democracy, separated from each other by the multitude of mixed governments; but at the same time nothing that can be seen more closely, as the series arranged in a circle shows to the eye. So that, if the driving force or passion that precipitates the State sometimes towards democracy, sometimes towards absolutism, is not suspended at the moment when power approaches one of these terms, it crosses, by a somersault, the more or less ideal interval that separates them, and lands on its feet, transfigured. And a distressing thing, as if the human soul were here in agreement with social metaphysics, we have noticed that the most ardent democrats are usually the quickest to accommodate themselves to despotism, and vice versa, that the courtiers of absolute power become, in the same case, the most rabid demagogues.

B. — Thus, taken as a whole, the constitutional cycle appears to us as a system or organism of a higher order, composed of sub-organisms or lower systems, just as the body of the animal is composed of organs and viscera, the soul of faculties, the genus of species. It can be compared to an immense gear machine, of which what we today call form or system of government (monarchy, aristocracy, democracy, etc.) is only one particular cog, and in which society is carried away from ride to ride. We could also compare it to the course of the sun, visiting the twelve signs of the zodiac in turn, and reproducing, through its annual revolution combined with its diurnal movement, the system of the seasons, an incessantly renewed image of universal life.

Whatever these comparisons, which are necessarily faulty, may be, one thing results from all this with certainty: that there are not in reality several kinds of government, independent of each other, imagined by the fantasy or geniality of legislators, between which each nation is called to choose according to its convenience and its temperament. It is not true, as Solon boasted, that the constitution he had given to the Athenians was the one that suited them best: the proof is that, long before the arrival of the Romans, before Philip himself, the glory of Athens and its liberty

had perished by this constitution. If Athenian society had existed today, placed in other conditions, under other influences, it is probable that it would have done what French society has done for eighty years: it would have exhausted the cycle of constitutions, it would have lived a revolutionary life. It would have demonstrated to us once again, by its example, that there exists for all people only one and the same political system, necessarily given in its elements and conditions, which is made up of all these diverse governments, as we call them, but a system whose true synthesis, for causes that we will have to recognize, has until now escaped observation, or has not been able to occur.

What attests to the truth of this synthesis, to which the human race is called; what proves that the so-called governments of which we have given the list are all, from various points of view, nothing more than mutilations or strangulations, is, and experience has proven this only too well, that they offer no serious guarantee of duration, that they lack stability and balance, that upon analysis they present only contradiction; it is, finally, I repeat, that brought together in a synoptic table, and arranged according to the relationship of their characters, they appear as so many phases of a great evolution, in which the State oscillates, whirls, sometimes trying to fixing at one of the intermediate points, sometimes traversing the series quickly, and sometimes violently crossing the ideal line that on one side separates the extremes. So that the *Constitutional Cycle*, which logic has discovered, must be considered by us, in the form that we have given it, much less as the exact and definitive expression of the social system, than as the figure of the various hypotheses, not to say trials and preparations, that lead us there.

C. — Not only is the political system *one* by its nature, and this unity is demonstrated by the very variety of governmental forms, or of what we take to be such, as I have just said; this system is moreover *necessary*, of a contingent necessity, *permanent*, *immutable*. Indeed, it has its givens in the conditions and elements of society; and as this society, like humanity, whatever the phases of its existence, does not change in the whole of its phenomenal life, as it is immutable in its being, like the globe, of which it is the crown; as much as matter, of which it brings together all the energies; as much as life, of which it is the highest expression; as much as the mind, of which it is the *verb*; as much as Justice, finally, of which it is the interpreter, it follows that the political system that governs us, whether in its preparatory phases, or in its final form, is immutable. This does not require lengthy clarifications.

We conceive *a priori* that, man being a moral and free being, living in society, and subject to justice, society cannot fail to constitute an order, that is to say, to give itself a government; — that this government will be entrusted to the care of an elected official, called prince, emperor, or king; or representatives, forming senate, patriciate, aristocracy; unless there is the possibility of leaving power to the assembly of the people; — that the functions of government will be exercised, sometimes *ad libitum*, by arbitrary, collective or individual will; sometimes, according to traditions and customs; sometimes finally following positive rules and reasoned laws. We can further understand that all these elements, which seem to exclude each other, compromising with each other, associate and combine in varying proportions: that autocracy is tempered by an intervention of aristocracy or democracy; that good pleasure be limited or modified by custom, the initiative of

the prince by that of the senate, both by popular election and by written law; — that the subordination of classes, functions and prerogatives is greater or less great, and that it sometimes shifts, etc. All this can vary infinitely; and this is why, between the two extremes of autocracy and democracy, one can insert as many middle terms as one wishes. But all this does not make the system change; it only confirms it: and all that the historian can conclude here from the variations of a State is that society is suffering, that it is seeking its foundation, often even that it is declining and, unable to overcome its impotence, tends towards death. So that the political system, as we now understand it, is raised above all attack, freed from all the crazy enterprises of man, more solid, more durable than race and nationality itself. In politics we can indulge in all the orgies imaginable, try all the hypotheses, go from the *bascule* to dictatorship, and from empire to demagoguery: we will never leave the prescribed [limits], and, of two things one will be true: either we will perish in our senseless evolutions, or we will arrive at this final synthesis, which is the peace and happiness of the peoples.¹

D.— A third characteristic of the constitutional cycle or system, always considered as a whole, is its antinomy. This means that it fundamentally consists of the opposition of two terms, which can neither absorb each other nor ever exclude each other. Thus, in the most autocratic State, we will always find the democratic element, since common sense says that there is no king without subjects; and conversely in all democracy the autocratic element constantly reappears, since there is always unity of power in the State, unity in each organic division, and, to ensure unity of action in the organ, the the more often we individualize it, we make it a functionary. So again we can say in vain that the elected official or representative of the people is only the agent of the people, the servant of the people, the people's proxy, their delegate, their advocate, their agent, their interpreter, etc.; despite this theoretical sovereignty of the mass, and the official and legal subordination of its agent, representative or interpreter, we will never ensure that the authority and influence of the former are greater than those of latter, and that he seriously accepts a mandate. Always, despite the principles, the delegate of the sovereign will be the master of the sovereign: this comes, not so much, as one might suppose, from the fact that the delegate is quite generally more capable than those who make the delegation, but from the fact that, in matters of sovereignty, the true sovereign is the one whom the consent of the people has made its depositary. Naked sovereignty, if I dare say so, is something even more ideal than naked property: all this is perfectly contradictory in terms; but it cannot be otherwise. It is for us to know the value of words

¹ Proudhon had the thought of making a break here, and introducing a new chapter, which would have been the fifth. If we correctly interpret a few notes of his, very short and all personal, he wanted, before tackling the two observations that remained for him to make, D and E, to assess the method adopted in this Study; to oppose to the sterility of the *historical series*, or rather chaotic series, where we do not see a thing, and which he did not claim to explain, the fecundity of the *rational series*; perhaps also to recall what happens to a people who attach themselves to a constitution that they believe to be perfect, and which is variable, without equilibrium: furious revolutions, and in the end skepticism, discouragement, cowardice, weakness.

He did not complete this thought.

and formulas, and to keep ourselves on our guard... I will not dwell further on the antinomian character of governments: I would fear embarrassing those of my readers who have never heard of these sorts of things, and providing a pretext for the ridicule of others.

E. — From the fact that the political organism, both in each of the phases or forms that compose it and as a whole, is antinomic, it follows that it is essentially mobile: immobility, of which we make too often the synonym of stability, is as foreign to societies, whatever theorists of absolute power have always said, as intelligence can be to stone, love to nothingness, the ideal and religion to beasts. This is the mystery of political life. Society, whether it advances or retreats, is always in action, always creating itself. Without this there would be no progress: civilization would be today as it was on the first day; man, like the animal, having exhausted his first intuitions, would remain in the *status quo*; he would be the first among the industrious species, but, like them, he would have added nothing to the science of his fathers; after the first generation, the destiny of the human race would have been accomplished.

I will try to explain, in a few words, how, in the political system, antinomy generates movement. "Give me matter and movement," said a mathematician, "and I will explain the world to you." Well! this mathematician demanded too much: the first thing he had to explain, in my opinion, was how movement arises from the antithetical properties of matter, which amounts to saying the opposition of ideas.

I therefore say that the cause of the movement, in the political system, is none other than the sequence of terms of the series, terms of which we have seen that the number is theoretically infinite (see above, observation C), and which are so linked that the mind, whatever its subtlety, slips incessantly from one to the other, without ever being able to settle on any.

Thought is not like speech. The latter names, defines, individualizes the objects, and by its definitions, its individualizations, by the names that it imposes, which serve it to concretize the ideas, it manages, to a certain point, to distinguish them from each other, which gives the means for thought to fixate momentarily on them. No doubt these definitions are not fair; logic has recognized it, *omnis definitio periculosa*; no doubt our reasoning is often false and our conclusions unfortunate: we saw an example of this above, with regard to the so-called agents of the sovereign people. It took a long time before philosophy realized that the logic of defined quantities was not applicable to political ideas. However, even in the moral and metaphysical sciences, this speech, recognized as imperfect, renders us immense services, and we could not do without it. But the man who, through the very practice of language, has become accustomed to thinking without the aid of signs, proceeds in a completely different way. He no longer stops at concrete realities; he is hardly interested in individualities: it is the laws of things that occupy him; he hovers over ideas, over genera and species; he flutters from group to group; his intelligence is in perpetual motion. All these diverse objects, which, when our eyes look at them, our ear listens to them, our mouth call to them, present themselves separately to our mind, and impose their specifications on us, lose their differences and appear to us only as forms changing, when we contemplate them with the gaze of the understanding. What is a bird, a fish, a quadruped for the naturalist? The sample of an animal species, belonging to a genus, which itself is part of a higher category, which falls into one

of the kingdoms of nature. In the animal you name, the naturalist sees all these things at once; he cannot fail to see them, since, if he did not see them, his knowledge would be zero; he would only have had the perception of an image. But the hunter, who in the game he pursues only sees objects of consumption, grasps them only in their distinction and their individuality; for him the deer is a deer, and the goat a goat; in the same way the partridge is a partridge, the guinea hen a guinea hen, and so on for the rest. He has no concern for ruminants, pachyderms or quadrumana; no more than passerines, gallinaceans, web-footed birds and others. However elusive the physical or moral differences between the animals against which he wages war, which he uses to recognize them, he is never mistaken; he is sure not to confuse them, much more clear-sighted in this than the scientist, who, seeking to realize through reasoning the differences that the senses reveal and that speech immediately marks, gets confused in his classifications, only succeeds in observing his own impotence, and ends up admitting that for him, a man of science, the wolf and the dog do not differ from each other, and that the cat and the tiger are a one and the same animal. So that philosophical thought, which, in order to satisfy its own curiosity and lift a corner of the veil of nature, is

obliged to penetrate far beyond the testimony of the senses and to neglect its definitions, sees itself obliged, in a multitude of cases, to return to it, or else fall into the absurd.²

What we have just said about the transcendence of the natural sciences is nothing compared to that which awaits the philosopher in the moral and political sciences. There at least the senses are half in the observation; and, if they are far from providing knowledge, they introduce us into the vestibule, and their testimony cannot be challenged. But tell me what is accessible to the senses in matter of politics and social organization? The first kings tattooed their faces, as the story of Samuel suggests; to gain recognition, they wore a scepter, a tiara, a diadem. What a great demonstration! Priests in the Catholic Church cut their hair in a round cut and wear a black cassock: ask them themselves what this proves. That if the individuals entrusted with public functions cannot be recognized, in human societies, by any physical sign, as kings, queens, and workers recognize themselves in bees, it is much worse, if you come to the attributions of civil servants, to questions of hierarchy, subordination and authority. Let the police commissioner gird

² The study of animals has revealed two things: that the races or varieties of the same species are subject in their forms to considerable modifications; the other, that the entire system of classes, orders, genera and species of the animal kingdom rests, as far as the structure of animals is concerned, on a single plane. This unity of structure, which seems to be fairly well established even between the most disparate animals, combined with what had been observed of the modifications that certain races could undergo, led to this hypothesis, that all the animals had emerged one after the other by a series of successive metamorphoses, and that the last of these transformations had been that of the orangutan into man. This way of conceiving the creation of living beings seems to me, I admit, to be an incontestable truth, but only in terms of theory. Many animal species have disappeared; many others, whose creation was possible, did not see the light of day. Between this multitude of species, made more and more similar by innumerable and incessant varieties, the lines of demarcation end up merging, and we can, we are entitled to assert, from the point of view of speculation, of pure science, that all animals have the same origin, and that the succession of generations alone has made their differences. But what speculative philosophy is led, by the indefinability of its notions, to accept as necessary, can no longer be admitted in reality. Creation is, let me be allowed this way of expressing myself, speech or word of God. God, by speaking to beings, by giving a physical, corporeal reality to the ideas or archetypes conceived in his thought, has thereby fixed and defined them, exactly as we do ourselves, when we make the antinomic and indefinable conceptions of our understanding by words that, willy-nilly, define them. It follows from this that the created forms only move in a narrow space; and, while the transformation of genera and orders can take place intellectually, only species present, in reality, appreciable variations. In fact, we cannot deny the contemporaneity of a host of animal species, just as we are forced to admit the successive creation of certain others; in fact again, we have never proven, we will never prove the effective transition from one genus to another: this transition, for the reasons that I have developed, is repugnant to philosophy as well as to common sense. It is therefore not true that man, through a series of successive improvements, originally emerged from the ape, any more than the nightingale from the bat, or the frog from the whiting. And as for the creative power, whether we adopt the theory of the heterogenists or follow that of the panspermists, who would dare to say that God, *naturing nature*, having conceived the ideas of man and the higher animals, not could realize them immediately in seeds, without going through the genealogical filiation that an inconsistent philosophy would like to impose on them?

his sash; let the judge put on his toga; let the sergeant have his stripes, the officer his epaulet: the children themselves are not fooled by it. Nature not having judged it appropriate to rank us by imprinting stigmata on us, we have made for ourselves *insignia* of convention, O human vanity! But by what symbolism, tell me, will we prove to ourselves that those who wear the signal costume have the right to our obedience, and above all that they have the right to it in the prescribed measure and circumstances, nothing more, nothing less? Who will regulate the actions of the power? Who will determine competence? How can we decide for ourselves this formidable question: Who is the sovereign of the people, this vulgar multitude, or the prince, born of royal race, sacred from generation to generation by the pontiff, and formerly acclaimed by the people themselves?....

I think it is useless to insist. It is clear that questions of the social order are outside sensitive experience, removed from the testimony of the senses; that they arise solely from pure reason, and that it is completely impossible for vulgar dialectics, assisted by routine definitions and the prestige of eloquence, to resolve them. No indication from outside can here serve as a beacon for the publicist, when carried away in this whirlwind of governmental hypotheses, which all fit into one another, which all can be substituted without transition for one another, as we have observed for the two extremes, and on neither of which it is possible for him, in good knowledge and in good conscience, to fix a partial look, he is led to wonder if he is not the toy of a spirit of lies, if humanity itself has not been given up as food to Fortune, and if the wisest thing is not to leave the world to go as it pleases, and power to the first who will seize it.

In this distress of political thought, one thing remains undoubted: ideas are in motion everywhere, both in the minds of those in power, interested in the *status quo*, and whose skepticism is reflected in all their actions, as well as in the opinion of the masses, thrown headlong into the revolution. No one who can pride themselves on holding faithfully to a principle, following its consequences to the end or defending themselves from the invasion of contrary ideas. I have said the reason: it is because politics, which holds so much place in the practical history of humanity, takes place entirely in the sphere of intelligence, where ideas are freed from the burden matter and empiricism.

Is it necessary for me to add now that man never acting except from the abundance of his thought, what he does always being the expression of what he conceives, if his conceptions are in movement, his operations, his enterprises, his institutions, will be in a similar movement; will the agitation of his life reflect the agitation of his thoughts?

The facts recounted by us in the first two chapters of this work receive from all this a new light. From 1814 to 1830, the French nation, seized by the text of the Charter, affirming this text, which it suspected the crown of wanting to erase, deliberately stopped at this formula; it wanted to hold it back, immobilize it, fix itself there. Twice it avenged the crime of trying to harm the dynasty. So we can say that the entire nation was immobile. This could not last: from 1840 to 1848, ideas developed in the country, and immediately began to move; for fifteen years, we have gone from one extreme to the other; then we come back to the middle, and do nothing more than

disagree. It will be like this until we have learned to overcome the force that precipitates us and which is none other than the very mobility of our conceptions.

I summarize:

All governments past, present and future, imagined and imaginable, compared with each other, and arranged in a table according to the relationship of their characters, appear as so many particular organs of a vast system, a sort of laboratory or place of exercise, where the political education of humanity takes place, through a series of evolutions or tests.

In simpler terms, the essentially empirical forms of government that humanity has tried to date can be considered as violent reductions, more or less illogical, mutilations of the true system, of which each nation continues the discovery. The 19th century is especially remarkable for the ardor and universality of this research.

This system, the final synthesis of all political conceptions, given *a priori* by the elements and conditions of society, is one, immutable, antinomic, and in perpetual movement. The mobility resulting dynamically from the antinomies on which it rests, we can say that it is *autokinetos*, motor of itself, generator of its own movement.

The normal life of the collective being, nation, State results from the equilibrium of the political system.

If the equilibrium is destroyed, the movement continues nonetheless, but in a subversive mode: the opposition of the elements changes into antagonism; the state of society becomes revolutionary.

It is the cause of this disruption of equilibrium in the political order, and of the catastrophes which result from it, that we must now seek.

CHAPTER V

GENERAL CRITIQUE OF CONSTITUTIONS

Organic unity and indivisibility: formula, conditions and limits of that law. Application to the political order. Grave error of the journalists, statesmen and authors of constitutions on this subject: exaggeration of the unitary.

Now, reader, we have passed the most difficult matters. What remains for me to tell you will quite simply be for your curiosity and amusement: I suppose, of course, that the destiny of nations interests you, and that the mystifications of the men of State amuse you. So read, and when you are done you will in fact know more of politics than anyone before you has ever known.

You have seen, in the preceding chapter, that every government is mobile by nature, and that the principle of its movement is within itself. This movement is caused by the polarity, if I dare put it that way, or antinomy of the notions on which the political system rests, which creates within it a perpetual agitation or movement.

That *autokinèsis* constitutes the social life. Is the movement regular, like the pulse of a healthy man? We can say that the society takes care of itself: its government works in normal conditions; it has the good life. Unfortunately, we have seen that, thus far, this case has been very rare, if it has ever appeared at all. Our activity is feverish, filled with outbursts; all our political establishments, whatever care we take to balance them, are always unstable, to such a point that this governmental vertigo, true prison of the nations, has appeared to eminent minds as the providential or fatal condition, we know not which, of our terrestrial existence.

It is a question of knowing once and for all what this so-called damnation holds us to; if the judgment pronounced against us is irrevocable; if this martyrdom, which has lasted so many centuries, is truly without remedy? And first, does the disorder that torments us come from within or without? But what is there outside of humanity that could disturb it? Remark that the revolutionary phenomena, whatever din they produce outside, are essentially of the emotional and intellectual order: how could they be the effect of a foreign influence? So it is within ourselves that we must seek the cause of our sufferings; in this complicated organism that we hardly know. Let us begin again that examination of consciousness.

To endure, every organism requires unity and indissolubility: dissolution is death. Thus, the plant and the animal are exclusive in their organism and indissoluble. Separate the stem from the root, the flower from the bud, make the sap and pollen sink into the earth: the separate parts are destroyed; the dried plant becomes infertile and dies. In the animal, separate the heart, the brain, the lungs, the stomach, etc., death follows immediately and irrevocably. It would not suffice, to revive the being disorganized in this way, to replace each of the parts in the place that it occupied before. Suppose that in the heart of the organism another forms; a fungus, a tubercle, an infestation: if the animal or plant does not have enough energy to expel or dissolve that parasitic organism, it will perish.

The same thing occurs for collective existences, family, tribe, company, army, church, etc. Separate father, mother and children from one another: there is no more family. It is understood that it is a question here of moral separation, since the organisms of which we speak are particularly of the moral, spiritual order. Break the hierarchical link between the general, the officers, non-commissioned officers and soldiers; throw together, willy-nilly, infantry, cavalry, artillery: instead of an army, you have a crush, a debacle. — In the Church, divide revelation, tradition and the priesthood; leave dogma, worship and morals to the will of each: you destroy the Church and, with the Church, religion. In an industrial establishment, let the owner, the foreman, the workers and the bookkeeper work without direction, and the establishment marches towards its ruin.

Political society, or the city, behaves in just the same way. It is one and indivisible by nature: to destroy it, you only have to do one thing, which is to sow discord within it or give rise to a rival society. Every kingdom divided will perish, says Wisdom; Satan himself, according to Jesus Christ, could not support himself in division.

All of this is elementary: no one has ever denied this principle; and I, myself, who professes *anarchy* in politics, who has declared myself decidedly *anti-unitary*, I do not deny it either. In the political organism, the unity is, on pain of ruin, inviolable.

This, now, is where the difficulties begin.

First, there are natural limits to any organism: the largest plants rarely reach a height of 60 or 70 meters, or live beyond a few centuries; among animals, the largest are the elephant and the whale; and geology tells us that several similar races, perhaps larger in size, have disappeared. These dimensions are far from those of the planet, in which a mystical philosophy also wanted to see an organism. The earth is not an organized being; unless we claim that the stone, the pebble, the grain of sand are also organized beings.

A second thing to observe is that, in all these existences that are distinguished by their organization, the vital force, the power of action, agility, etc., is not, after all, in direct proportion, but rather in inverse proportion to the volume and mass. The mole, considering its weight, has more strength than the elephant; the swallow flies incomparably better than the eagle and the vulture. If man, through his intellectual and moral faculties, is the king of animals, we can say that he is inferior to all of them in other respects: so that, as vital energy appears to be in inverse proportion to the mass, intelligence in turn seems to develop only at the expense of vitality.

These observations also apply to collective beings: here too, the force of cohesion, the energy of the group, has its limits, which determine those of the group itself.

It is in the family that unity is revealed with the most force, and this unity seems to be at its maximum concentration when the family is young, limited to only three categories of individuals, the husband or father, the wife or mother, and the child. But as, by the very growth of the child and by his marriage, a new couple [is produced]: immediately the family bond begins to relax; paternal authority diminishes; soon it will be shared: this is why the tribe already has less organic power than the family itself. Suppose that in this group, formed just now of three or even four generations, the young couples, instead of remaining under the common roof, go to settle some

distance away: this sole fact of the separate home will deal a new blow to the tribe; they will be real families, affirming their own unity and their inviolability, and posing as rivals of the mother family. Whatever the patriarch then does, he will be, all things considered, less powerful than the father, because he will have to reckon with his children and his grandchildren.

Let us therefore pose this principle, a principle of experience as much as of reason, that, *In every organism, the force of unity is in inverse proportion to the mass; consequently, in any community, organic power loses in intensity what it gains in extent, and vice versa.*

This law is universal; it governs the world of the mind as well as that of bodies; it is found in *philosophy, science, right, literature, art, poetry, history*, etc. Without unity, there is no truth, no beauty, not even morality. A system without unity is a contradiction; a double justice is iniquity itself.

Let us apply this law to politics: the city is essentially one, indivisible, inviolable: the more it develops in its population and its territory, the more the force of cohesion, the more the governmental unity will have to relax, on pain of tyranny, and finally a break. Let it establish alongside itself, at some distance, branches, colonies: sooner or later these colonies or branches will be transformed into new cities, which will only retain a link of federation with the mother city, or even will not keep any link at all.

Nature itself sets an example for us. When the fruit is ripe, it breaks off and creates a new organism; when the young man has come of age, he leaves his father and his mother, says Genesis, and attaches himself to his wife; when the new city is able to support itself, it proclaims its independence: by what right would the mother city claim to treat it as a vassal, to make it an exploitation, a property?...

This is how we have seen the United States free itself from England in our days; how Canada also freed itself, at least in fact, if not officially; how Australia is already in the process of separation, with the consent and complete satisfaction of the mother country. This is how sooner or later Algeria will become an African France, unless, by abominable calculations, we persist in keeping it, by force and misery, in joint ownership. This is how, finally, ancient Greece founded free colonies everywhere, and inaugurated, around the Mediterranean, a civilization much superior to that which was later replaced by imperial and praetorian unity.

If this theory of political unity and its multiplication needed to be confirmed by experiments to the contrary, there would be no shortage of examples. When the cluster of Greek cities is absorbed by Macedonia, the Greek republics are over. When Rome has appropriated the whole of Italy through victory, Italy gradually returns to savagery, and Rome itself, insufficient home for so many peoples, changes the form of its government and loses its liberty. When the whole world has become tributary to the Empire, which prides itself on giving it right and peace, the world falls into dissolution, and finds neither peace nor right. Then imperial Rome retreats before its own work; on all points it will contradict itself and reverse its judgment: it calls the tributary nations to the right of citizenship; instead of one emperor, it gives itself four, and thus prepares with its own hands this great dissolution that will be nothing other than the return, moreover incomplete, of the original unities.

More than ever the principle of unity, after having been our hope, causes our torment; This is because this principle has never been less understood, nor more clumsily applied. Republics and monarchies throw themselves into unitary absorption; and what is strangest is that at the very moment when they affirm, like so many sacred rights, the excesses of this unitarianism, they claim with equal passion the diametrically contrary principle, nationality (1). The error on this subject is so general, so profound, so inveterate; of the old right of conquest, which gave it a sort of excuse, but which must now be said to have been abolished, it has introduced itself in such a subtle way into the public law of each State; it showed itself so naturally; to better surprise public opinion and deceive criticism, it has managed to surround itself with so many false reservations, apparent guarantees, illusory concessions, counterweights without action, that we cannot avoid devoting another chapter to it, which we will take care to make as short and as little tiring as possible.

(1) That the unity of power, not only in its rational and legitimate aspects, but in its most overwhelming exorbitance, has been, since 89, the constant concern of our publicists and statesmen, this is what results above all from the text of the constitution, republican and democratic nonetheless, of 1848. But who knows today what this constitution contained, and who cares? Who, having read it, ever understood its main idea? Who suspects that the greatest concern of its authors was to protect the Republic against the republicanism of its institutions? No one, not even the honorable M. Dupin, who published a commentary on this masterpiece. So the reader will not be a little surprised later to learn and to be convinced by his own reading that the constitution of 1848, a product, according to the criticisms of the *juste-milieu*, of socialist anarchy, was conceived, prepared, discussed and voted on in a veritable monarchical enthusiasm. No act, among the fifteen preserved in our archives, testifies to this degree on France's attachment to the morals and forms of royal power.

The *Preamble* is very edifying: it looks like a sermon from Pastor Coquerel. It begins with a sign of the cross and ends with *Gloria Patri*. I will only quote the first words, with article II and article V, which alone relate to my subject:

“IN THE PRESENCE OF GOD, ... the French Republic is democratic, one and indivisible.” — This doesn't seem like anything; this indivisible unit is, at the beginning, no bigger than an atom. But ask yourself the question, simply for clarification: Why would the French Republic, democratic, we say, not be subdivided into several sovereignties? Wouldn't that be even more democratic?... And you will immediately see the monster emerge from its embryo, and appear to you.

V. — “It (the Republic) respects foreign nationalities, as it intends to have its own respected; never undertakes any war with a view to conquest, and never employs its forces against the freedom of any people.” — Well-ordered charity begins with oneself, says the proverb. If this were to be the spirit of the new Republic, why would it not begin by testifying to its good design by bringing back into existence the nationalities of which its Unit is composed? Did the authors of the 1848 constitution imagine by chance that the twelve or fifteen peoples, perfectly distinct, whose union forms what is commonly called the *French people*, are not real nationalities?”

“Art. 1. Sovereignty resides in the *universality* of French citizens... No fraction of the people can take responsibility for the exercise.” — I continue my question. I fully admit that the part should not govern the whole; but why should each part not govern itself? Would that harm anyone?

“Art. 10. *All* the citizens are equally eligible for all public employment.” — I am for equality before the law and before jobs. But a distinction is necessary here: just as there are general functions, to which all are admissible, there are local functions, to which it seems that the inhabitants of each locality agree alone.

“Art. 15. *Every* tax is established for the *common* utility. — Although the tax established in Brittany is established for Savoy, that established in the Pyrenees for Flanders, and vice versa! Passes for general expenses; but for departmental expenses? What is this fever of universalization? What is it for? Wouldn't an insurance contract, in the event of misfortune, be enough?

“Art. 18. All public authorities, whatever they may be, emanate from the people.” — Same observation to make as above, art. 1 and 10. Moreover, blatant imitation of the monarchical formula: *All justice emanates from the king*.

“Art. 19. Separation of powers is the first condition of free government.” — Add, and honest. But it is not enough to separate powers according to their species; This concerns the authority of the government, administration, justice, police, etc. Who prevents all this from being distributed in such a way that each locality has its share? Democracy is essentially sharing; the monarchy alone loves indivision. Our constituents did not pay attention to this.

“Art. 20. The French people delegate legislative power to a single assembly.” — Unity again... What! two rooms were not unitary enough! *

“Art. 43. The French people delegate executive power to a citizen, who receives the title of President.” — Always unity!

“Art. 23. The election of representatives is based on the *population*.” — This is not enough: it would have been necessary to take into account, in the national representation, capital, industry, population agglomerations, etc. Napoleon I understood this very well; his additional act was, in this respect, more republican than the constitution of 1848.

“Art. 30. The election will be *by department* and *by ballot*.” — Electoral confusion with the aim of obvious absorption. This is not republican; this is monarchic.

“Art. 34. The members of the national assembly are the *representatives*, not of the department which appoints them, but *of the whole of France*.” — False principle, inappropriately renewed from 93; they are the representatives of those who name them, and your fiction of unity will do nothing about it. It cannot be otherwise.

“Art. 35. They cannot receive an *imperative mandate*.” — No doubt, if they are the deputies of the whole of France, which means of no one. But it is another thing if, as practice and common sense dictate, they are the deputies of their voters. So if the electoral mandate cannot be imperative for the whole, it can very well be for a part. This is seen every day.

“Art. 36. They are *inviolable*.” — That is to say, they are superior to their constituents, which is absurd.

“Art. 46. The President is appointed by *universal* and *direct* suffrage.” — If he had been appointed by the assembly, he would have been only a simple functionary; elected by the universal and direct suffrage of 40 million men, he is a king, and events will prove it to you.

“Art. 64. The President appoints and dismisses... *all* the magistrates and civil servants of the Republic.” — It is irrational; but it is monarchical. Art. 65 goes even further: “The President of the Republic has the right to suspend and dismiss administrative agents *elected by the citizens*.” It was as well to say that the municipalities were branches of the prefecture. By what right, I ask, do the ex-Republicans of 1848 accuse imperial centralization today?

“Art. 71 et seq. There is a Council of State, of which the President of the Republic is *ex officio* president. This state council is responsible for preparing, regulating and controlling *all* the affairs of the Republic.” — Thus everything is carefully brought back to *unity*; by the legislature, — by the executive, — by appointment to all positions, — by the suspension and revocation of municipal agents elected by citizens, — by the regulation, — by the oversight.

“Art. 77. There is a prefecture in each department;

“In each district a sub-prefecture;

“In each canton a cantonal administration;

“In each commune there is a municipal council.” — Admire this learned hierarchy! We used to talk about municipal liberties. The constitution of 1848 made only one block of prefectures, sub-prefectures and municipalities, which it grouped in the same category, reserving the right however to explain later the method of appointing mayors and deputies. This question was later decided by the imperial government, in the sense provided, it may be said, by the republican constitution. This is how, moreover, the constitution of 1793 understood the matter, which singularly facilitated in 1799, 1802 and 1804, the organization of the autocratic regime by Napoleon.

“Art. 81. Justice is administered *in the name of the people*.” A mystical formula, which means that the magistrates responsible for rendering justice, and who, no longer being the organs of divine right, are supposed to be the interpreters of the conscience of their fellow citizens, chosen by them, responsible to them, are on the contrary independent of their litigants, foreigners to the locality where they sit, appointed by the President of the Republic, employed by the central power, finally irremovable. Was it worth denying divine right?

“Art. 91. There is a *high court of justice*.” — Neither more nor less than under the First Empire, and as if the ordinary courts were not already high enough above us, deplorable republicans that we are!

“Art. 104. The public force is essentially obedient.” — Article 50 states, on the other hand, that the President of the Republic commands the armed force. So that, on December 2, 1851, neither the national guards, ranked or non-ranked, in Paris or in any city; nor the soldiers of the regular army, had the right, as such, to invoke against the *coup d'état* article 110, which expressly states:

“The constitution is entrusted to the custody and patriotism of all the French people.”

If their conscience as citizens found itself in disagreement with the duty of obedience to the President, their immediate leader, they could not resist. Their duty was first to obey; then, after

taking off their uniforms and laying down their weapons, to peacefully sign a respectful protest in their town halls and barracks, if they had time.

This is the spirit in which the constitution of 1848 was designed, and I have only cited a sample; here is the monument of republican genius in France in the 19th century. It cost at least a hundred days of deep meditation and mature deliberations by nine hundred elected representatives of the democracy, or, in cash, a sum of 2,250,000 francs, not counting the costs of offices, refreshment bar, lighting, heating; not to mention the impatience of the country, the decline in values, the stagnation of business, etc., etc., etc.

CHAPTER VI

GENERAL CRITIQUE OF CONSTITUTIONS

How, through the exorbitance of unitarism, the political equilibrium is disrupted, the State and society delivered to antagonism. — Examination of the means proposed for reestablishing this equilibrium: revision or improvement of the constitutions; collective sovereignty, division of powers, municipal organization. Vanity of all these palliatives.

Let us first remember that all constitutions, different in tone and color, are fundamentally identical: this already results for us from the seriation that we have made of them; the sequel will demonstrate this to us more and more. Unity above all is what the supporters of each system are most jealous of. They are not wrong; unfortunately, it is impossible to ignore a principle more than they do.

“The power is one, indivisible, universal, absolute,” says the autocracy. That’s okay, if it were only the prerogative of the monarch, representative of the political group. Just as paternal authority is in no way to be feared by its nature, in the family it is instead protective, beneficent, devoted; — similarly, royal authority in the State can perfectly be presumed to be good and useful as well as rational, since its basis is unity. But the dynast wants something else: for him, the political group over which he commands has no limits; he intends to rule over millions of souls and thousands of square leagues, in the same way that he reigns over the clan or the city of which he is the hereditary head: a claim as dreadful as it is insulting and absurd. This is the principle of monarchical tyranny, the oldest of all.

“The Republic is one and indivisible,” say the democrats in turn. In which they are not mistaken, whatever meaning we give to the word republic, association of citizens, even of cities, or government. Any divided republic will perish: this is sure and certain, and that is enough to justify, to a certain point, the republicans' cult of unity and their horror of division. But they themselves fall into Terror and the tyranny of the despot, when they refuse to understand that, as citizens are all equal before the law and in electoral elections, all cities are in turn equal in sovereignty and government, as befits moral persons or collective individuals, and that consequently they aspire to subject all groups to one authority, to a single administration. This is the principle of republican or democratic tyranny, the most violent, and, for this reason, the most temporary.

“Sovereignty is one and indivisible,” responds the *juste-milieu*; “but it is exercised collectively by the King (or Emperor), the Chamber of Peers (or Senate), and the Chamber of Deputies.” But what does this collectivity of government matter if, in a state as large as France, for example, or only Belgium, the cities remain in joint ownership; if all parts of the social body are, as much as possible, subject to the same authority, the same legislation, the same justice, the same administration, the same surveillance, the same university, etc.? In what way is this supposed

conciliation of the monarchical principle, bourgeois interest and the democratic or republican element true? In what way can it be useful?

We see more and more that all the difference between constitutions comes from the fact that, in one, the central point of government is a man; in another, it is an assembly; in a third, there will be two assemblies jointly with a king. The democratic ideal would be for the governed multitude to be at the same time a governing multitude; that society was identical and adequate to the State, the people to the government, as in political economy producers and consumers are the same. Certainly, I do not deny that these differences in governmental organization, according to the circumstances, and from the point of view of the government itself, each have their own value: if the extent of the State should never exceed that of a city or commune, I would let everyone judge as they wish, and everything would be said. But let us not forget that these are vast agglomerations of territories, where cities, towns and hamlets number in the thousands, and that our statesmen of all schools have the pretension to govern or rule according to the laws of the patriarchy, conquest and property, which I declare, by virtue of the very law of unity, absolutely impossible.

I insist on this observation, which, in politics, is crucial.

Whenever men, followed by their wives and children, gather in one place, combine their homes and their cultures, develop various industries within them, create neighborly relations among themselves, and willy-nilly conditions of solidarity are imposed on them, they form what I call a natural group, which soon constitutes itself as a city or political organism, asserting itself in its unity, its independence, its life or its own movement (*Autokinesis*), and its autonomy.

Similar groups, at a distance from each other, may have common interests; and we understand that they understand each other, associate, and, through this mutual assurance, form a superior group; but never, unless by uniting for the guarantee of their interests and the development of their wealth, do they go so far as to abdicate by a sort of immolation of themselves before this new Moloch. Such a sacrifice is impossible to accomplish. All these groups are, whatever they think of themselves, and whatever they do, cities, that is to say, indestructible organisms; between which there may very well exist a new legal bond, a contract of mutuality, but which can no more strip themselves of their sovereign independence, any more than the member of the city can, through the quality of citizen, lose his or her rights, prerogatives of a free man, producer and owner. All that would be achieved by such an enterprise would be to create an irreconcilable antagonism between the general sovereignty and each of the particular sovereignties; to raise authority against authority; in a word, while one imagines developing unity, organizing division.

Now, when you modify your general constitution every six months; when you infinitely multiply the variations of your political system, the principle of unitary absorption not changing, the cities or natural groups always being condemned to disappear within the higher agglomeration, — which we can call artificial, since it has nothing in itself necessary, and because of its avowed goal it is the product of an error and tends towards the impossible, centralization finally remaining the first law of the State, — the arcana of government, society, instead of advancing, will turn

back on itself, it will remain revolutionary, and if the situation worsens, it will advance rapidly towards its decadence and ruin.

Our legislators and constitution-makers, since 1789, have had a sense of this danger. They recognized, but without ever understanding the cause, the instability of their systems: they also posited in principle the *perfectibility* of their constitutions. The old regime, or divine right, was careful not to suspect this perfectibility; in its eyes, the fixity of institutions was the seal of their perfection, I almost said of the divinity of their origin. In which the old regime was only half right, just as the theorists of 89, with their constitutional perfectibility, were only half wrong. The people, we said, are drawn into a governmental circle, which can be seen as a preparatory phase: from this point of view, we can say that, in the historical succession of our constitutions, there is a kind of progress. But society having once found its balance and living its normal life, the political constitution no longer changes, and in this respect we can no longer say that there is progress. The perpetuity of the movement excludes such a notion.

Furthermore, everyone can see what a poor resource this so-called constitutional perfectibility has been for France since 89. Our governments have only been valuable because of the confidence that the country has placed in them, and a little also because of the attraction of novelty, which always provokes hope: the experiment once made, and confidence worn out, dynasties fell, without deigning to propose the slightest amendment. Let us cite as proof the Consulate, the first years of the Restoration and of Louis-Philippe. Who is seriously thinking today of perfecting the 1852 constitution? It will remain what it is, or it will be replaced by another, of which I hope that the authors will not have the presumption of announcing the perpetuity of their work, under the pretext of perfectibility and progress. After the success of the constitutions of 1791, 1795, 1848 and 1852, all of which had planned and regulated in advance their own revision, it would be childish to repeat that *the constitution is perfectible*.

The vice of the political system, a vice that can be called constitutional, consists in this condition made to power, that the provinces and cities of which the State is composed, and all of which, as natural groups, must enjoy their full and complete autonomy, will on the contrary be governed and administered, no longer by themselves, and as befits associated cities and provinces, but by a central authority, and as conquered populations. Now, as long as such a condition is maintained, what, I repeat, does the form of government matter? And how can we imagine that public liberties, sacrificed in this way, would find a remedy in the improvement of the constitution? This is senseless.

In order to lessen the rigor of this sluggish concentration, it was imagined, in addition to the legal improvement of the constitution, to make the government collective. I cited earlier the article of the charter: "Sovereignty, one and indivisible, is exercised collectively by the king, the chamber of peers and the chamber of deputies." The king is the representative of the unity of the central power and the community of interests. The peers are notable figures, most of whom have come out of the departments. Deputies are elected by the departments, in proportion to their population. Each city, each province thus has, in the chambers, its natural representatives. Executive power is entrusted to ministers, who come from most, if not all, of the departments, and who must be

supported by the majority of the chambers. Finally, all the French people have the right to criticize the government; and all are equally eligible for jobs. So many guarantees, isn't it? And with what confidence the nation must have felt imbued with it, when King Louis XVIII came to propose this charter! We forgot the invasion, the foreigners present in the cities, and all the misfortunes of the last wars.

Sad illusion! Consider, reader, I implore you, first of all, that if sovereignty is exercised in a collective name, it is nonetheless, in itself, one and indivisible, that its action is essentially unitary, that it extends over the entire country and absorbs it, that it cannot leave anything outside of it, without contradicting its principle, without going against its goal, without exposing itself to perishing; — secondly, that by making this sovereignty collective, you have done nothing other than create rivalries, oppositions, antagonisms. How difficult it is to find in a majority seven or eight men capable of fulfilling ministerial functions, who get along with each other, who agree with the crown, who are equally well received in both chambers! How many mutual sacrifices are indispensable, and this always, of course, for the benefit of unity, at the expense of particular localities) What fatigue in parliament! What intrigues! What a position made for the prince!... We saw, under the July monarchy, the day when Louis-Philippe could no longer form a ministry; we have seen the factions of the chamber become suspect to all, unpopular in the capital and in the departments. This collectivity of power is therefore only a euphemism, serving to disguise the fatal dissolution to which all governments are prey, whatever title they give themselves and whatever form they assume. To maintain his prerogative and combat an ever-imminent dissolution, each participant in sovereignty will therefore strive to attract the entire power to himself: the king will work closely to secure the majority of the chambers; the ministry will want to be more than the king; the opposition will denounce the camarilla; in short, the country will have, in this holy community, the spectacle of discord. For my part, I do not hide it: I find it quite simple that, the principle of a centralizing government being given, the author of December 2 subordinated the Senate and the Chambers to himself; the system is not better, as we know; but ultimately it is more logical; and after the debates from 1830 to 1851, this silence was due to us. As for Sieyès' system, the way in which he claimed to avoid the difficulty, it was only a metaphysician's lure, with the aim of bringing back the parliamentary monarchy itself.

The collective exercise of power being without useful results, and moreover illusory, we imagined sharing it, without however undermining the principle of unity: this is how. Taking advantage of the economic principle of the division of labor or separation of industries, the legislator said: Powers will be separated in the State; the functions and jobs will be distributed according to the same law. This is the condition of a free government. One will therefore be the legislative power, and another the executive power; another the administration, and another justice; another the Church, and another the University; so on, until we reach the justice of the peace who will not be the same as the commercial judge, the rural ranger who will not be the same as the water and forest ranger.

God forbid that I should disapprove of a principle that I myself have praised, and whose power and fruitfulness no one can ignore. But who does not see here that the legislator, hovering on the

constitutional heights, has lost sight of the earth, and that from the vagueness where his thoughts were held he has fallen into the most pitiful of equivocations?

The separation of industries takes place under two different conditions: either the separate industries are independent of each other, and each entrepreneur remains absolute master of his operations: thus the agent and the valet, although dealing together, remain in solidarity and completely free; thus the doctor and the pharmacist; the butcher and the roaster; the baker and the flour merchant, etc.

Is this what is happening in government? Obviously, no: the separation of powers in this way would destroy unity, not only that conquering unity, which tends to subject to a particular authority groups independent by nature, living their own lives, and asserting their will; but that rational unity, which, operating within the right limits, excludes any idea of sharing. In short, it is not only imperial centralization that would become impossible through such a separation of powers; it is all kinds of government; it is the city itself.

Or else industrial separation, limited to the different manipulations of the same industry, of a single company, is accomplished within the manufacture, factory or workshop; see the examples given by A. Smith for the manufacture of pins, and J.-B. Say for that of maps. In this case, the separate functions are no longer independent; they are placed under the superior direction of the master, in whose name and on whose behalf the various works are carried out. This is how, in our governments, the powers have been organized. Certainly order gains from it; the shipping of business is more assured; in all respects, the system works with more advantages. But what does this do, once again, for the liberty of the cities and provinces, and consequently for that of the citizens themselves? What does this do for the stability of the government itself? How is concentration, absorption, reduced? How is the antagonism diminished? How are divisions and discord extinguished? How, ultimately, is the risk of revolutions averted? The principle of the separation of powers, in what is truly useful, predates the revolution of 89, which did nothing other than improve its application: however, since and including the reform of 89, we had ten or twelve changes of government. The principle of the division of powers, for the case that concerns us, is therefore completely impotent.

We sought a counterweight to this overwhelming centralization in a *municipal and departmental organization*. There was a lot of talk about it in the time of Louis-Philippe; we talked about it during the Restoration; Napoleon I himself was interested in it, and people talk about it more than ever under his heir. The supporters of the *juste-milieu*, still the most numerous in our country, are those who insist on this point with the most force. It seems to them that by restoring a certain initiative to the municipality, we would give power a stable equilibrium; that we would remove from centralization what is atrocious about it, especially that we would escape from federalism, which is as odious to them today as it was, but for other reasons, to the patriots of 93. These kinds of people readily admire Swiss and American liberty; they regale us with it in their books; they use it to shame us for our worship of power; but for nothing in the world would they consent to touch this beautiful unity which, according to them, is our glory, and which the nations, they say, envy us. From the height of their academic impertinence, they treat as

exaggerated and intemperate the writers who, concerned with logic, faithful to the pure notions of law and freedom, ask to free themselves once and for all from the vicious doctrinaire circle. M. Edouard LABOULAYE is one of those simple geniuses, capable of knowing the truth and showing it to others, but for whom wisdom consists of curtailing principles by impossible conciliations; who want to *limit* the State, but on condition of also limiting liberty; to clip the nails of the first, provided that you cut the wings of the second; whose reason, finally, trembling before a strong and broad synthesis, likes to splash around in the amphigouri. M. E. Laboulaye is part of a group of men who, while demanding the so-called July guarantees against the imperial autocracy, have given themselves the mission of repressing the aspirations of socialism and federalism. It was he who wrote this beautiful thought, which I first thought of taking as an epigraph to this work: "When political life is concentrated in a forum, the country is divided into two, opposition and government." Well, let M. Laboulaye and his friends, apparently so zealous for municipal franchises, deign to answer one question, just one.

The commune is in essence, like man, like the family, like any intelligent and moral individuality or community, a sovereign being. In this capacity, the municipality has the right to govern itself, to administer itself, to impose taxes on itself, to dispose of its properties and its income, to create schools for its youth, to appoint teachers, to establish its police, to have its gendarmerie and its civic guard; to appoint its judges; to have its newspapers, its meetings, its private companies, its warehouses, its price-list, its bank, etc. The commune issues decrees, issues ordinances: what prevents it from going so far as to give itself laws? It has its church, its cult, its clergy, freely elected; it discusses publicly, in municipal council, in its newspapers or in its circles, everything that happens in it and around it, that touches its interests or excites its opinion. This is what a commune is; because this is what collective life, political life, is. Now life is one, complete, full of action, and this action is universal; it rejects every obstacle, it knows no limit except herself; all coercion from outside is antipathetic and deadly to it. Let M. Laboulaye and his political co-religionists tell us how they intend to accord this communal life with their unitary reserves; how they will avoid conflict; how they think of maintaining the local franchise side by side with the central prerogative, restricting the latter and stopping the former, affirming at the same time, in the same system, the independence of the parts and the authority of the whole. Let them explain themselves so that we can know them and judge them.

No middle ground: the municipality will be sovereign or branch, all or nothing. Give it as much consideration as you like: from the moment it no longer comes under its own right, as long as it recognizes a higher law; the moment that the great group that is called the republic, the monarchy or the empire, of which it is a part, is declared its superior, not the expression of its federal relations, it is inevitable that one day or another it will find itself in contradiction with it, that conflict will arise. However, as soon as there is a conflict, logic and force dictate that it is the central power that wins, and this without discussion, without judgment, without compromise, debate between the superior and the subordinate being inadmissible, scandalous, absurd. So we will always return, after a period of doctrinaire and democratic agitation, to the negation of *parochialism*, to absorption by the center, to autocracy. The idea of a limitation of the State, where

the principle of centralization of groups reigns, is therefore inconsistency, not to say absurdity. There is no other limit to the State than that which it imposes on itself by leaving to municipal and individual initiative certain things about which it temporarily does not care. But, its action being unlimited, it may happen that it wants to extend it to things that it had initially disdained; and as it is the strongest, as it only ever speaks and acts in the name of the public interest, not only will it obtain what it asks for, before public opinion and the courts, it will also be right.

Since we call ourselves liberal, and we are so daring as to speak of the limits of the State, while reserving its suzerainty, let us also say what will be the limit of individual, corporate, regional, societal liberty, the limit of all liberties. Let someone explain to us, since we believe ourselves to be philosophers, what a limited, prized, subordinated, guarded liberty is; a liberty to whom one said, passing the chain and attaching it to the stake: You will go that far, you will go no further.

As a last means of balancing and containing central authority, and of protecting public liberties against its encroachments, universal and direct suffrage was organized. We will talk about it below, and we will end the general criticism of Constitutions here.

[translation in progress]

CHAPTER VII

CRITIQUE OF THE CONSTITUTION OF 1804, AUTOCRATIC

That centralization, by ignoring the sovereignty of groups, is reduced to a fiction, which only exists momentarily through the complicity of the groups themselves. — On the dynastic principle in modern constitutions. Definition of *tyranny*.

If the reader has followed the preceding discussion, chap. V and VI, he must have seen, but seen with an immediate and clear view, without any effort or contention of mind, that centralization, by its exorbitance, aspiring to retain in indivision groups that the nature of things has made sovereign, and to govern associated cities as well as conquered cities, violates the principle on which it claims to rely, namely the principle of political unity; that from then on there is antagonism between central direction and local autonomy; that the consequence of this antagonism is to distort the aim of the government, now entirely devoted to establishing and developing its preponderance; and that in this fatal struggle, public opinion being biased in favor of centralization, the higher authority will always be victorious over liberties, but on the condition of paying for its triumphs with periodic revolutions. Indeed, the same oppression returns with each form of government, the instinct of the masses pushes them, after a period of suffering, to change regime, which, given centralization, only results in turning the country around in a circle of hypotheses, each as false as the other, and constantly followed by the same disappointments. The form changes, but the tyranny is immutable.

However, despite logic and experience, some of these hypotheses, I should say all of them, retain their supporters, in more or less considerable numbers, depending on the era. Many people are convinced that if the republic, for example — they confuse the republic with democracy — were practiced in good faith, it would bring joy to the nation and would definitely lead to the renunciation of the monarchy. But, they observe with sadness, we are not virtuous enough to be republicans!... Others, in the majority today, if I am not mistaken, give preference to this temperate, moderate, conservative, conciliatory monarchy, which alone, according to them, knows how to make an equal share of freedom and authority, how to live with the opposition as well as with the ministers, and whose glory will be to always deserve the nickname, which has been awarded to it, of *Juste-milieu*. Finally, there are some who are decidedly in favor of a personal and strong government, and for whom the marriage of Caesarism and the plebs is the ideal of political society.

It is these stubborn prejudices, which neither failure nor contradiction shakes, that we have to overcome; and we will achieve this, I hope, by increasingly concentrating the rays of our criticism on the point that preoccupies them all, centralization. Since it is a given that in governmental evolution all systems are, fundamentally, equivalent; that their chief business is centralization, that they only differ from each other by the constitution, or, as the astronomers speak, by the equation of the center, it is on this center that it is now appropriate to focus the whole debate. To achieve

the goal, it is enough to examine in turn, from this point of view, the constitutional four terms of the series or cycle, which we have called *extremes* and *means*.

I say then that, whatever the constitution of the political center, in other words, of the central power, in a State composed of several sovereignties or natural population groups; whether we represent it by an emperor, a king, a directory, an assembly, or by all these things together; whether we make it absolute or responsible; whether it is subject to regular inspection or freed from it; whether we limit it in its attributions or grant it unlimited power: this center, the linchpin of the system, will always be more or less a constitutional fiction, never a complete reality, and that by this consideration, taken from the very nature of things, that any organism that exceeds its just limits, and tends to invade or annex other organisms, loses in power what it gains in extent, and tends towards dissolution. I say that a government thus constituted, forced to appear everywhere, to successively take on all forms, to be a bit of everyone, can no longer call itself indivisible, and that, in this respect, it misses the essential law of power; that thus, put in perpetual contradiction with itself, it will end up being upset by its own absolutism, and sinking into anarchy. This is what happened to the old French monarchy, harassed, since the death of Louis XIV, by the antagonistic elements of which the nation was composed, and obliged, in despair of salvation, to resign its powers in summoning the Estates-General.

Let us first prove that even under the autocratic regime, with the personality of the prince and dynastic heredity, centralization is a chimera.

Of all our constitutions, the most logical, from the point of view of the concentration of power and the absorption of state forces, is certainly that of 1804. In reality, this constitution is not even one, since it consists of taking a man as its center, of putting this man in the place of the nation, its provinces, its races, its cities, hidden behind the imperial mantle. With the creation of the first empire, France officially ceased to form a system; it was no longer governed except by *senatus-consultes*, dictated by the Emperor, the first and most important of which was called *organic senatus-consulte*. We need to see what this organization consisted of. Never has despotism shown so much madness and insolence. That certain things are done can, to a certain extent, be tolerated and excused; but let them be written, it will be the eternal shame of a nation for having suffered it.

TITLE ONE. Art 1. — The government of the Republic is entrusted to an emperor, who takes the title of Emperor of the French.

Justice is administered, in the name of the emperor, by the officers he appoints.

Art. 2. — Napoleon BONAPARTE, current first consul of the Republic, is Emperor of the French.

The entire Napoleonic system is in this title I. The rest is nothing more than a vain nomenclature, with labeled details. Notice this derivation of justice, then the coupling of these two terms, the *Republic*, read the *democracy*, and the *emperor*. It is monstrous, but it is logical. All of society, the State, the government, the citizens, the producers, the Church itself, is in justice. Now justice, according to the theory that substitutes the sovereignty of the people for the sovereignty of the king, emanates from the democracy; the democracy, according to the *senatus-consulte* of 28 Floréal, and the vote that sanctioned it, was embodied in its emperor; therefore this emperor is everything, and justice is done in his name. This is the pact.

TITLE II. — *Of imperial heredity.*

TITLE III. — *Of the imperial family.*

TITLE IV. — *Of the regency.*

TITLE V. — *Of the great dignities of the empire.*

The great dignitaries of the empire are: the grand elector, the arch-chancellor, the arch-treasurer, the constable, the grand admiral. (The follows the details of their functions, which are almost all pure etiquette.)

TITLE VI. — *Great officers of the empire.* Enumeration like the previous one, It no longer interests us.

TITLE VII. — *Of oaths.* List of officials bound by the oath, and formula thereof.

TITLE VIII. — *Of the Senate.* List of the characters who compose it; fantastic attributions.

TITLE IX. — *Of the Council of State.* Bureau of business, divided into six sections, fully subordinate.

TITLE X. — *Of the Legislative Body.* Internal regulations: then, nothing more. Zero initiative, zero discussion, zero publicity, zero control. The Legislative Body votes on the tax: how would it defend itself?

TITLE XI. — *Of the Tribunate.* Abolished in 1807, like a useless cog. The emperor could have done the same with the Senate, the Legislature, and everything else. He didn't need anyone, not even his own dynasty; all he needed were clerks. But he insisted on a hierarchy.

TITLE XII. — *Of the electoral colleges.* System of 1802, with four and even five degrees. Census conditions; mayors, deputies, justices of the peace, college presidents, at the appointment of the emperor. (See next chapter.)

TITLE XIII. — *Of the high imperial court.* Exceptional justice: it is essential in an autocratic and hierarchical state.

TITLE XIV. — *Of the judicial order.* Terminology details.

TITLE XV. — *Of the promulgation.*

All voted by 3,521,675 votes, against 2,679. Napoleon was accused of having, through his ambition and his wars, caused the death of two million men. If these two million slaughters had been taken from the 3,521,675 who voted for the empire, it would only have been justice, and I would adore Providence. But most of them rallied to the Bourbons and the Charter, and that is what disorients me.

Certainly, it would be difficult to simplify and centralize further; to better strangle, for the benefit of autocratic sovereignty, the liberties of a great nation. Napoleon is the centralizer par excellence: he re-establishes the nobility, not as an institution, the upper class of society, but for himself, as an instrument of power; he annihilates, through his electoral sifting, the democracy while demanding its votes; he challenges the control of bourgeois representation, while submitting his budget to it; he extinguishes political life in the towns and countryside; transforms into a hierarchy the natural opposition of the elements whose play animates civilization and ensures progress; finally, to free himself from his associates of Brumaire, accomplices of his usurpation, who became under him senators, ministers, great dignitaries, etc., he reestablished dynastic law in his person; he proclaims himself emperor, source of all rights; he was crowned by the Pope, without deigning to say a word in his Constitution about the Church, which he would soon push into schism, and decidedly posed as a demi-god.

The Constitution of the year XII can be considered as the perfection of the centralizing system: we have just seen how, with a logic that no human respect intimidates, this system is concretized and personified in a single man.

Well, what do reason and experience answer to all this? Three things, which destroy the system and confuse the usurper:

The first, that all this autocracy exists only in figures, given that the government of a large State implies a multiplicity of interests and wills of which the autocrat can at most only be the representative, assuming that these wills consent to exist and act only by representation.

The second, that, as soon as the autocrat, representative of so many divergent wills, which are subject to him much more than they call upon him, no longer satisfies them or becomes contrary to them, he can expect to see them rebel against him, and even attack his person.

The third, that if the monarchical element, always disposed to conquest, antipathetic to any independence, is the one that most willingly accommodates centralization, which even seeks it and takes pride in it, it is also, and for the same reason, the most irreconcilable with the plurality of local autonomies, of which it can be said that their loyalty ends where their interest begins, and where their will finds exercise.

The monarchy, expression and symbol of political unity, can have its place in the city, a natural group, which lives its own life; which, producing from its loins its government, as the mother produces her child, infuses it from the cradle with its thoughts, recognizes and delights in its creature, whether it names it mayor, burgomaster, king, conscript fathers, or municipal council. But this same prince, or executive power, king by birth in his country, does not retain the same character of authority and legitimacy in the eyes of the annexes, whose particular wishes will always be shown, whatever we do, more or less resistant to the command of the metropolis.

In short, the monarchy follows centralization in all its movements; their destiny is common; the intensity of the first measures the power of the second. Hence, in modern constitutional States, the precautions taken, not so much against the central power as against royalty itself; hence, these limits imposed on the prerogative of the crown, limits that have no other effect than to overexcite the monarchical principle, and to precipitate it sometimes towards absolutism, sometimes into demagoguery.

The facts confirm these common sense statements. The Constitution of 1804 was the first to testify against the pretensions of its author. Why this senate, so obedient, so degraded, transformed into a lucrative and honorary retreat, but without attributions, without independence, without authority, except to cover with an appearance of deliberation and collectivity the individual caprice of the master? Why this legislative body, a simple registration chamber, elected by the senate, on a list presented by the departments after three degrees of election, and renewable by fifths every year, if not to preserve between the emperor and the departments an appearance of communion? — Why, I say, all these hypocrisies, these constitutional tricks, if not in order to mask wishes that it is impossible to destroy?

The emperor, thinking to reduce England, imagined the *continental blockade*: immediately smuggling was organized on a vast scale; the maritime towns, which see their trade destroyed,

raise loud cries. What is the emperor doing? He sells, at a price of money, authorizations to trade in colonial goods, of which he thus becomes the monopolist. The old pact of famine was nothing else: it only lacked the formality of the imperial decree.

To get the better of the sovereign pontiff, Napoleon called a council, called constitutional, and naturally made up of prelates, sincere Gallicans, all devoted to his authority, to his dynasty, to his person. What is happening? It turns out that these bishops are true Christians, true Catholics, true priests, animated by the spirit of the Church, which speaks through their mouths. With all imaginable respect, they rally around the Pope; and the council turns to the confusion of the emperor.

Dissatisfied with Talleyrand, who rebels against his policies; with Fouché, who, in his police reports, sometimes allows himself to address him with humble remonstrances, Napoleon strikes them with his disgrace. What good does this do to him? Fouché continues to police on his own account; he observes the emperor, he illuminates his progress; he penetrates his resolutions, he foresees his fall; and from this silent protest of the men he had offended, was born the thought that, three months later, would bring down Napoleon.

Thus, to maintain his will against the wishes of the country, the autocrat is led to wage war on his own *subjects*, a war of extermination. I read that the inhabitants of one town, located near the border in an inaccessible region, believed they could refuse with impunity the obedience they owed to the imperial decrees, suddenly found themselves invaded by armed force; the village was burned, razed, the culprits shot, the women and children transported far from their native country. *Ubi solitudinem faciunt, pacem appellant*. The emperor had made an example: he had destroyed a source of rebellion, killed the men: but the wills?...

Compressed by the autocracy, wills conspire against the autocrat. Note the coincidence of these facts: under the old monarchy, the cities and provinces retained, to a large extent, their franchises and their customs. They pay, but they still feel alive; they are themselves. Also regicide is rare. It manifests itself with religious wars. After the revolution of 1789, centralization became the dogma of government; immediately the regicide multiplies in a frightening manner; it becomes endemic, constitutional (art. 35 of the *Declaration of Rights of 1793*). It is the Convention that sets the example: first, it kills Louis XVI; then, as if it had wanted to make innocent people atone for its own dictatorship, it kills the *wife of the king*, the sister of the king, the son of the king. Then it kills the constitutionalists or *feuillants*, the Girondins, and Bailly, and Barnave, and Malesherbes, and Lavoisier, all who had taken part in the absolute or representative monarchy. Then come the reprisals: the bodyguard Paris kills Lepelletier, Charlotte Corday kills Marat, the kings of the moment; Cécile Renaud tries to kill the dictator Robespierre, who will fall, a few weeks later, under the reaction of Thermidor. The sections conspire in Vendémiaire; the Jacobins in Prairial; Baboeuf conspires, the two Councils conspire, which leads to the executions of Vendôme and the transports of Fructidor. Finally the Directory conspired against itself, which produced the usurpation of Bonaparte.

But Bonaparte will not escape the law. His military dictatorship is harsher than that of the Convention and the Directory: the conspiracy rages against him. In 1800, conspiracy of the

republicans and conspiracy of the royalists; — 1803, conspiracy of Pichegru, and conspiracy of Cadoudal; — 1808 and 1809, conspiracy in the so-called army of the *Philadelphes*; — 1812, conspiracy by General Mallet; — 1813, agitation of the royalists, murmurs in the Legislative Body; — 1814, the towns speak out, the Bourbons appear; the conservative Senate pronounces the forfeiture. Do these facts not reveal more than a coincidence, the connection of the effect to the cause? Suppose, in the place of all these highly centralized sovereigns, the Convention, Napoleon I, the Bourbons, Louis-Philippe, Napoleon III, a federal unity, expression of a mutual insurance pact between fifteen or eighteen sovereignties provincial: do you believe that the conspiracy would attack such a unit, were it represented by a man who called himself king?

The most terrible thing is that the anti-centralist conspiracy, when after twenty failures it reaches its man, does not stop at the prince, it hits the dynasty at the same time.

Louis XVI is immolated, with his race;

Robespierre is executed; and his party, the Jacobins, with him;

Napoleon is fallen, and his race at the same time;

Charles X is chased away, and his entire family forced to follow him;

Louis-Philippe is in turn dethroned; and the younger branch, as well as the elder branch, condemned to banishment.

And note that none of these dynasts are sacrificed for their personal crimes, or for the vices of their government. Louis-Philippe was the model of fathers of families; and, apart from the disadvantages of centralization, apart from the intrigues and corruption that it engenders, the government of July was quite mild. Most of the grievances made against him, such as having sought peace at any price, and having abandoned Poland, today turn to his praise.

Charles X was nicknamed, not without justice, the *Cavalier King*. The greatest reproach that can be made of his private life is to have, like Lafontaine, atoned in his old age, through exaggerated devotion, for the peccadilloes of his youth. As for the government, apart from the retrograde aspirations of this leader of emigration, it was certainly more moral under Charles X than has been seen since. Robespierre, despite the horror with which the terrorist system dishonored his memory, retained his reputation as virtuous and *incorruptible*. He dreamed of a Platonic republic when the insurrection came to surprise him. Louis XVI had all the virtues of a private man; no one loved his people more than he: unfortunately for him, he was fundamentally hostile to the ideas of his century, believing neither in philosophy, nor in the Revolution, nor above all in constitutional government. As for Napoleon, he is still the popular hero. France has forgiven him everything. His administration was enlightened, vigilant, economical, fair: it lacked only one thing, to be liberal.

Certainly, the crime of unitaryism must be great for a people such as ours to pursue it, among the best of its princes, with such determination. No virtue, no glory could save them; and always, in our quarrels with theower, we see the dynasty made united with its leader: a character that the English revolution of 1688 does not present, since the same act that brought down James II determined the accession to the throne of his son-in-law, William III. The English people are less unitary than ours; as they have less passion for unity, they have less anger. They know how to

tame a dynasty, bend it to his will; they do not exterminate it down to the root. Could it then be that between the centralizing principle and the dynastic principle there exists a secret relationship which, in cases of revolt, causes the father's crime to reflect on the children? It is a mystery that I leave for the reader's meditation.

In summary, political unitaryism, in other words centralization, as it consists of retaining in the governmental unity groups that nature has made autonomous and that reason wants independent, united only by a bond of federation, is a constitutional fiction, full of contradictions in theory, and unrealizable in fact. This is the real cause of these incessant dynastic immolations, which for 75 years have terrified our society. For such is, for modern societies, true tyranny, which could not be better defined than by this formula: *Absorption of local sovereignties into a central authority, with the aim either of dynastic glorification or of noble, bourgeois or sans-culotte exploitation.*

CHAPTER VIII

CRITIQUE OF THE CONSTITUTION OF 93

Of the production of the sovereign in democracy, in other words, of the electoral system or universal suffrage. Table of electoral systems proposed and applied from 89 to the present day. These systems, contrary to each other and incompatible, form a series parallel to that of the constitutions. Idea of a representative synthesis.

The Constitution of 1793, although it preceded that of 1804 by eleven years, is in every way the antithesis of the latter. It had to be. One is the development of individual authority, which democracy prohibits; the other, the expression of collective sovereignty. Wherever the first names the *emperor*, the second says the PEOPLE. For example, the Organic Senate-Consult of 1804 says nothing about *citizens*, nor their *liberties*, nor their *guarantees* or their *rights*; it only considers the autocrat, personification of the mass, who sums up the State in himself. The Constitution of Year II, on the contrary, prepared by Condorcet, abridged by Robespierre, that of Year III, takes pleasure in the *Declaration of the Rights of Man and of the Citizen*. As much as absolutism hates formulas and dogmas, democracy seeks them. Also, while the Constitution of 1804 unfolds like a genealogical tree, where everything emanates from the emperor, up to the nation, and relates to the emperor, without this constitution being able to be accused of lacking, at least apparently, in its own principle, the Constitution of 93 contradicts itself in each article, and results in the most appalling inconsistency, in the very abdication of the sovereign. Autocracy only lies about truth and facts; democracy lies to itself.

Let us take a close look at this system.

The crucial point, in a democracy, is first of all to produce the sovereign. In monarchical government, absolute or constitutional, the sovereign is perceived, it is touched, it speaks and we hear it: it is the king, it is his family; it is the representatives, auxiliaries and advisors of His Majesty. In a democracy, which has some concern for its principle and its name, who is the sovereign? —The sovereign, they say, is the *people*. — Wonderful: but what is the people? Where is it? How will it manifest itself? That is the question. Let us leave aside the *Champ de Mai* of our Gaulish and Frank ancestors; the *Forum* of the Romans; the *Agora* of the Greeks; the *Church* of the first Christians. We live in the present: these old mores no longer concern us. However, the sovereign people, or, to express myself in less concrete, less ambitious, more technical language, the national sovereignty, manifests itself today through the electoral operation, through what we today call *universal suffrage*.

The electoral system has undergone the same tests and provided the same career as the governmental system itself. We could draw up a table analogous to that of the Constitutions, in which we would see in turn, sometimes the historical succession, sometimes the theoretical or speculative deduction. We would also see that, as the Constitutions are mutually equivalent expressions of political and unitarist thought, subject to the same criticisms and the same failures;

in the same way the various electoral systems are all of very approximately equal value, reduced and faulty expressions of a synthetic idea whose formula still remains to be found. Let us content ourselves with giving, in short, the history of this new order of manifestations.

HISTORICAL TABLE

OF ELECTORAL SYSTEMS, PROPOSED AND APPLIED IN FRANCE SINCE 1789

1789. — According to the draft constitution presented to the National Assembly on July 27 and August 31, 1789, the conditions required for the exercise of electoral rights were as follows:

Be born French; aged 25, resident in the commune for at least one year; pay a contribution equal to three days of work. The elections of representatives for the *Legislative Body* were carried out at two *degrees*. For this purpose, France had to be divided into constituencies of 50,000 souls; each constituency should name 250 deputies, who would elect a *representative* among them, which should give, for the whole of France, around 500 representatives. The Legislative Body consisted of two chambers, one of *Senators* appointed by the king; the other of representatives, elected, in the manner just described, by the universality of citizens. This second chamber had to be completely renewed every three years.

Such was the method of manifestation of the sovereign nation proposed by the legislators of 89. It seems that one could hardly show oneself, under a monarchy and as a beginning, more concerned with the liberty and rights of the people. The age of 25 was not exorbitant: it is still the age required by the code to enter into marriage against the wishes of the parents. The contribution of three days' work was not onerous either: it could be seen as a symbol rather than a condition; it added to the dignity of the voter, and to the very morality of the office.

The constitution adopted by the Constituent Assembly, less royalist than the first draft, was also more demanding of citizens for the granting of the right to suffrage. It seems that the prerogative of power cannot be diminished, without the citizen prerogative being diminished proportionally,

1791. — The election in two degrees is maintained, as well as the age of 25, the year of residence, and the contribution of three days of work. But it is also required that the citizen has taken the *civic oath*; that he be included in the roll of the *national guard*, and *domestics* are excluded. The citizen who meets all these conditions is an *active citizen*. The Senate, or upper house, being abolished, the number of *deputies* of the single assembly increases accordingly: it is fixed at 745, according to the triple basis of *territory*, *population* and *direct contribution*, among others terms, of *property*. The assembly must be renewed every two years.

I in no way intend to blame these various conditions, any more than the previous ones. Let us content ourselves with observing that the tendency of the Constitution of 91 is eminently bourgeois: one more step, and we will see workers, employees, in one word, all the plebs excluded from universal suffrage.

1793. — Draft *Gironde* constitution. The Legislative Body is made up of a single assembly, which is renewed *every year*. The election has only one basis, the *population*. Suffrage is *universal and direct*; but the nomination of the representative is made, by the same voters, in two *ballotings*, one of *presentation*, the other of *election*. The contribution of three days of work is *abolished*; the domesticity exercises, like the rest of the people, the electoral right; the age remains fixed at twenty-five years. In addition to the deputies to the Legislative Body, citizens are called upon to elect, in their primary assemblies, all the *magistrates, administrators and functionaries* of the Republic, up to the Executive Council itself.

1793. — *Jacobin* Constitution. It was difficult to be more radical than the Gironde had done, through the pen of Condorcet. Robespierre, however, tried to outbid his rivals: montagnard honor wanted it that way. Condorcet's project, in order to give voters time to reflect, and to allow them to act with more maturity, had established the formality, not of two degrees of election, but of two ballotings. Robespierre wanted the election to be immediate, to be done on the first try: saving time perhaps, but not guaranteeing infallibility. Condorcet had left the civic age fixed at 25; Robespierre lowered it to 21: an appeal to youth, against virility. Condorcet had reserved for each primary assembly the faculty of presenting *observations* on the laws passed and of provoking their *revision* without stopping. Robespierre submitted the law to the *acceptance* of the people. It is true that this acceptance is purely tacit, therefore insignificant and of no effect. He says: "Forty days after the vote on the law, if, in half of the departments plus one, the tenth of the primary assemblies of each of them regularly formed has not *objected*, the project is accepted and becomes law." Solemn application of the maxim: *He who says nothing consents*. There was, however, one point on which Robespierre could not rise to the level of Condorcet, namely that which concerns the Executive Council, the judiciary and the other officials, whose election he wanted to take place, not directly by the primary assemblies, but at two and even three degrees. We see here that the dictatorship does not treat the sovereign people any better than the autocracy: the law that we pointed out earlier between the means (1789-1791), is found between the extremes (1793, February 17 and June 24).

1795. — The conventional dictatorship ended; but, thanks to it, governmental ideas were revived, power was restored. The sovereign people lose in public consideration. Universal suffrage in two degrees; restoration of the condition of contribution, with the exception of citizens who fought in the armies of the Republic. Numerous cases of exclusion. Two chambers, named, it is true, both by the people. The election of the Executive Directory reserved for the Legislative Body; the appointment of a part of the agents of power taken from the voters and attributed to the Directory.

New confirmation of the law cited above. In the democracy as in the monarchy, the tension of civil rights is proportional to the moderation of government. There is no exception to this rule except in autocracy, which naturally can only deny its opposite.

1799. — Consular constitution. Bonaparte knew the people; he knew how to behave with the multitude. *As with dogs*, he said, *with cracks of the whip*. Here is what he did with universal suffrage: it is one of the most interesting chapters of our public right.

“Art. 7. — The citizens of each municipal district designate by their votes those among them whom they believe are best suited to manage public affairs. The result is a *trusted list*, containing a number of names equal to one tenth of the number of citizens entitled to cooperate. It is from this first municipal list that the public officials of the district must be taken.

“Art. 8. — The citizens included in the municipal lists of a department also designate one tenth of them. This results in a second so-called departmental list, from which the public officials of the department must be taken.

“Art. 9. — The citizens included in the departmental list similarly designate a tenth of them: this results in a third list which includes the citizens of this department eligible for national public functions.

“Art. 19 and 20. — The lists of departments are sent to the Senate, which elects; in this list, the legislators, the tribunes, the consuls, the judges of cassation, and the commissioners of accounting.”

The Legislative Body is renewed *every year*, but by fifths. — The vote on laws is subject to the same process as the elections. The law is proposed by the government, *discussed* by the Tribunate, before the Legislative Body, *voted* by the latter, by secret ballot, and without discussion, and *sanctioned* by the Senate, which has the right to stop its promulgation. but only on the grounds of unconstitutionality. This is the principle of the separation of powers, applied to the making of the law.

Here then, on the one hand, are four degrees of election; on the other, four degrees of legislation. If the people emancipate themselves, if the legislators go astray, it will not be the fault of the Constitution. Who elects the Senate? The Senate itself, later the emperor: which will form a fifth degree of election. Who elects, from the department and district lists, *the citizens best suited to manage public affairs*? Still the emperor, still the emperor, who alone exists by himself; and who, having become head of a hereditary dynasty, crowned by the prince of Catholic bishops, is neither elected nor eligible, but *Dieudonné*, supernatural incarnation of the People.

By naming the emperor in connection with the Constitution of 1799, I anticipated the dates. The *senatus-consultes* of 1802 and 1804 only developed and embellished this system, as can be seen by the Constitution of 1804 (see page xxx); in 1807, the tribunate was abolished. This is how the people, according to the constitutions of the empire, were supposed to exercise their sovereignty, making laws and exercising all powers, through their elected representatives.

1814. — The system of the Charter is known: two chambers, one irremovable and hereditary; the other eligible and renewable by fifths every year. To be a voter, you must be thirty years old and pay at least 300 francs in direct contribution; To be eligible, you must be forty years old and pay 1,000 francs. Legislative power is exercised collectively by the Chamber of Peers and the Chamber of Deputies.

I have only one observation to make here. France, returning in 1814 from the extremes of democracy and autocracy, adopted the *juste-milieu* of parliamentary monarchy, the electoral system which, under the Empire, was already only a simple cog, while under the Republic it was the very basis of the State and the source of all power, here descending to the material role of counterweight. It is the bourgeoisie *centenaire* balancing the crown, assisted by the upper house, the clergy and all the influences of power and the budget.

1815. *Additional act to the constitutions of the Empire.*— Imitation of the Charter of Louis XVIII, except the following points: 1. The deputies are elected by universal suffrage, but at two degrees; in addition, there are special representatives of property and industry; 2. the emperor is not required to take his ministers from the majority of the chambers; he has his policy supported by ministers of state, without portfolio. In this way he reserves the means of evading the parliamentary system.

1830. *Revision of the Charter.* — The chambers share the initiative of the law with the crown. We lower the electoral and eligibility census: which means that we strengthen the counterweight opposed to the crown, at the same time as we take a step towards democracy, without however introducing the people into the elections, what the *juste-milieu*, with all its moderation, would not tolerate.

1848. — Triumph of the democracy. Universal and direct suffrage is restored, but only applies to elections for municipal and general councils and for the national assembly; all public officials, except the president, who is elected for four years by the people, remain at the appointment of the executive branch. The legislative assembly is unique; the president is subordinate to it; the election has as its sole basis the population. Universal suffrage becomes the fundamental part of the system: moreover, a new confirmation of the law already mentioned several times: when the government stiffens, popular sovereignty declines. This was demonstrated by the restrictive law of universal suffrage of May 31, 1849.

1852. — The electoral system adopted by the constitution of Napoleon III is basically the same as that of 1848; it only differs by quite numerous modifications of detail, precautionary measures against popular effervescence. Universal and direct suffrage, to the reestablishment of which the *coup d'état* of December 2 owed its triumph, is incompatible with an imperial constitution. We will return to this subject in the chapter devoted to the examination of this constitution.

It follows from the review that we have just made that, as the number of possible governments, between the two absolute extremes of autocracy and democracy, is unlimited, all the same, the number of production systems of the sovereign people, in other words electoral systems, corresponding to these various forms of government, is also unlimited.

Now, among this multitude of systems, by which the sovereign nation, both under the monarchical regime and under the democratic regime, tends to manifest itself, which is the best, the most liberal, the most truthful, the least subject to failure?

I respond here as I already did with regard to constitutions: All these systems are equal, all have their advantages and their vices; it would be absurd to express any preference, any more in favor of universal and direct suffrage, the success of which we know, than of the 300 franc census system or that of 1,000 francs, whose insolence and illogic revolt us.

And the reason for refraining from any preference here is as simple as it is peremptory: it is that all these electoral utopias, imagined by empiricists, are arbitrary reductions, mutilations of a *synthesis* that brings together, as it must, all the opposing elements, and this precisely because they are opposed; synthesis that excludes all antagonism, ensures both the balance of government and

the sovereignty of the people, but whose application has nothing in common with the routine of our practitioners. I'm trying to make myself understood.

A nation that is REPRESENTED must be represented in everything that constitutes it: in its population, in its groups, in all its faculties and conditions. One constitution admits universal and direct suffrage, but sets the maximum age required at twenty-five years; another lowers it to twenty-one years. A third, understanding that in matters of opinions, as in matters of wealth and intelligence, inequality reigns everywhere; that the multitude only follows, and that the initiative of ideas is the work of a very small number; that in a word, it is not enough to count the votes, but that it is still important to weigh them: a third, I say, admitting the principle of universal suffrage, regulates the practice to two or more degrees. Others say that population is not the only basis of an electoral system; that it is still necessary to take into account agglomerations, industry, property, etc. Finally, regarding the numerous exclusions that the so-called broadest, most popular, most liberal systems allow, we wondered whether the electoral right could be lost due to any situation; why women and young people under twenty-one were excluded; why these terrible excommunications pronounced against the condemned, the bankrupt, the immoral, etc., the servants, beggars, vagabonds, etc.?

To these questions, nothing solid was answered: it was said that it was repugnant to oppose the vote of children and women to that of husbands and fathers; that this would diminish paternal and marital authority, and spark, over politics, discord within families; that it was the same for servants, of whom we would make as many enemies, spies and traitors in the house of their masters, when they were not simple creatures; that it was even more repugnant to put on the same line the honest man and the one who suffered the note of infamy; that, to do violence to opinion on this point would be to cause the comitia to desert and strike death at the institution. These considerations have their value, and I admit that for my part I am, on almost all these points, of the most inexorable intolerance. The day when the legislator grants women and children the right to suffrage, for example, will be the day of my divorce; I will chase away my wife and offspring, and I will return to my solitude. But, finally, all this does not respond to the legal argument. People who have been denied or had withdrawn the right to vote are an essential part of the nation; they have the right to be represented: can we accept that they are represented *ex officio* by those on whom they depend, or who have been designated to them as guardians or sponsors? When the doctor approaches the patient, he makes him talk as much as his weakness allows him, he does not question third parties, neither relatives nor guests. The Church has its penitentiary, according to which the sinner must accuse himself, if he wants to obtain, with the forgiveness of his faults, the remedies of the soul. However, most of the citizens excluded from the electoral lists are socially and politically ill: how will they get back on their feet, how will they obtain the justice that is their due, if they cannot speak for themselves, if it is forbidden to them to have their share in the national representation, to appear, if I dare say so, in the exercise of the sovereignty of the people?

Well, let us never shy away from logic, when it serves as an interpreter of right and liberty. The electoral synthesis must include, not only in theory, but in practice, all the systems produced: admit at the same time, as a basis of election, not only the population, but the territory, the

property, the capital, the industries, natural, regional and municipal groups. It must take into account inequalities of wealth and intelligence, and not exclude any category... How, you ask me, would all this be possible without violating civic equality, and without raising numerous antagonisms? How would this be possible if most of these elements exclude each other?... To which I reply that in fact, if the great act that aims to produce national representation consists of bringing together, once every five years or every three years, a crowd of citizens designated, and to make them name a deputy carrying a blank mandate, who, by virtue of this blank mandate, represents not only those who gave him their votes, but those who voted against him; not only the electoral mass, but all categories of people who did not vote, all the forces, faculties, functions and interests of the social body; I answer, I say, that if this is what is meant by universal suffrage, there is nothing to hope for, and that our entire political system is a mystification and a tyranny.

I conclude. A sincere and truthful representation, in a country like ours, supposes a set of institutions so combined that any interest, any idea, any social and political element can be produced there, express itself, be represented, obtain justice and guarantee, exercise one's share of influence and sovereignty. Because national representation, where it exists as a political condition, must not only be a cog, as in the Constitution of 1804; a cog and a counterweight, as in the Charter of 1814-1830; the basis of the government building, as in the Constitutions of 1793, 1848 and 1852: it must be at the same time, or be a lie, a base, a cog, a counterweight, and moreover a function, a function that embraces the entire nation, in all its categories of people, territory, fortunes, faculties, capacities and even misery.

I have had to dwell on this production of the sovereign, commonly called the electoral system or universal suffrage, because of the importance of the question and the falsity of the ideas that we generally have of it. We can now judge the Constitution of 93.

CHAPTER IX

CONTINUATION OF THE SAME SUBJECT : CRITIQUE OF THE CONSTITUTION OF 93.

Essential contradiction between the principle of the sovereignty of the people and that of their representation. National abdication by universal suffrage. Why the democratic system is more unstable than any other. The selfless multitude of government. — Hypothesis of a popular civil list.

Seeing through what series of unfortunate experiments, in terms of governments, dynasties, legislation, representation, elections, our statesmen, so-called men of practice, have for almost eighty years been telling us travel, the reader must feel his disdain diminish for the innovators so slandered today under the names of *socialists*, *utopians*, *communists* and *anarchists*, whose greatest fault is to have seen better than the others and for daring to denounce the aberrations of the practitioners. It is true that the reforms proposed by these innovators did not receive the sanction of public opinion; we can even admit, without any shame, that they have not always been clothed with a perfect character of certainty. Science is difficult to construct, and truth is painful to discover, unfortunately as much in politics and political economy as in chemistry, geology and natural history. But from what front do the empiricists, rough-drafters, charlatans, come to reproach us for our utopias, with their fifteen or sixteen constitutions, [not one of which] has been able to withstand the application, any more than they have stood the test; with their fifteen or twenty electoral theories, not one of which was able to satisfy them themselves? We are delivered over to abominable medical students, who treat human matter like the dogs and horses that, under the pretext of science, are murdered by the dozen in our amphitheaters. Politics has become a veritable vivisection in the hands of these charlatans.

The Constitution of 93 therefore wanted to give the people, in terms of election and representation, the broadest, most powerful guarantees. For this, what did the legislator of 1793 do? He said to himself:

It is an absolute physical, economic, intellectual and moral impossibility that a collection of men, as considerable as the French people, can exercise at the same time, by themselves, on one side the legislative, executive and judicial powers; on the other, industrial and agricultural functions; that it governs, deliberates, pleads, judges, administers, supervises, controls, represses, fights, and at the same time that it attends to the work of production and the operations of exchange. It is impossible, we say, absolutely impossible for such a thing to take place, as the principle would rigorously require, and as the democratic tendency indicates. Willy-nilly, it is therefore necessary, indispensable, that the people, for a multitude of things, even the most important, act by proxy, and that they appoint representatives. In a word, the people must be represented: represented for the making of the law; represented for its execution, represented for its interpretation, represented for its application, represented for its revision; represented in

government, in administration, in the judgement; represented in supervision, represented in the distribution of employment, represented in the fixing of expenses, represented in the discussion of accounts; represented to declare war; represented to make peace; represented to conclude treaties of commerce and alliance. There are only three things for which the people act by themselves, in person and without representatives: work, taxes and military service. Therefore, the legislator concluded, we will give the people, to the greatest extent, electoral sovereignty. They will choose, they will elect, they will appoint their representatives, both for the executive and for the legislative: it is the least thing. Their rights will be clearly and energetically established. After the *Declaration of Rights*, and the solemn, threatening affirmation of the *sovereignty of the people*, there will be in the constitution a chapter on the *Primary Assemblies*, one on the *Legislative Body*, one on the *Executive Power*, etc. As we must be careful of the people's time, as well as concerned with their sovereignty, we will refer to permanent electoral assemblies, elected by the primary assemblies, the appointment of executive functionaries, judges, etc., a judicious exception, which will free the people from the painful burdens of direct sovereignty. (It is thanks to this exception that the executive ended up regaining control of the appointment of all civil servants.) To finally ensure the unity of the government of the people and the indivisibility of their sovereign power, a hierarchy will be established or subordination between the various administrative centers:

Municipal administration;

District administration;

District administration.

All these administrations will be placed under the close supervision of the Legislative Body, which will determine the responsibilities of civil servants and the rules of their subordination. And to ensure this subordination, as well as the obedience of the various centers, to the orders of the higher authority, the Constitution of the Year III, which closely followed that of the Year II, will establish *commissioners*, for the appointment of the *Executive Directory*, which commissioners will become, with the stroke of a pen, by the law of 28 Pluviôse year VIII (February 17, 1800), the *prefects* that we French people have had the pleasure of possessing since then.

But, most excellent legislator, there is one thing that you did not think about, and which is causing your system to collapse: it is that, when all the powers have been delegated, all the public functions distributed; when the people will be represented at the top, in the middle, at the base; when the ends must obey the center, the sovereign will be zero. In autocracy, the sovereign can very well separate the powers, divide the functions of his government, and entrust them to servants chosen by him; because he remains master of them all, and at the slightest discontent, he revokes and breaks them. This is due, note this, to the fact that the sovereign is a man, whom no representation makes vanish, But in democracy, where the sovereign is a collectivity, something quasi-metaphysical, which only exists through representation, of which the representatives are subordinate to each other, and all together, to a higher representation, called the *National Assembly* or *Legislative Body*, the people, considered as sovereign, is a fiction, a myth; and all the ceremonies

by which you make it exercise its elective sovereignty are nothing other than the ceremonies of its abdication.

How long will this good-natured sovereign, more lively than the one who was sent by Jupiter to reign over the frogs, serve as a footstool for the chatterboxes who indoctrinate it? They said to it: Vote all, and directly; and it votes. Vote at two degrees, at three degrees, at four degrees; and it votes. Vote for a few, active citizens only; and it votes. Vote, owners at 300 francs. direct contributions; and it votes. Vote for the government; and it votes; vote for the opposition; and it votes. Vote by municipalities, vote by departments, vote by list vote; and it votes. Vote by arbitrary constituencies, without knowing each other, blindly; and it votes. Well done, men of action; you do the exercise perfectly and vote wonderfully. To the left to the right; appoint your municipal councilors: the government will appoint mayors, deputies, police commissioners, justices of the peace, gendarmes, prefects and sub-prefects, all civil servants and magistrates of the Republic. And they obey. It is superb. Onward march! Name the emperor, and they cry *Long live the emperor!* What a race!

With all this, the Constitution of 93, that of Year III, that of 1848, are no more absurd than those of 1830, 1814 and 1799; they are, I have said and repeat, contradictory in terms; but they contain all the elements of the others, and do not present, fundamentally, anything more irrational. In this regard, they have been singularly slandered. Would those who criticized the Constitution of Year III, for example, have dared to say that that of Year VIII, issued on 18 Brumaire, was more liberal, more logical, more faithful to right and to principles? *Who wants to drown his dog accuses it of rabies*, and this is especially true of our various republican attempts. The likes of Daunou, of Sieyès, and so many others said with disdain that the Constitution of 93 was impractical: they forgot to deduce the reasons. And was Sieyès' Constitution any more practical? — Bonaparte undermines all the constitutions, he takes from the right, from the left, from Robespierre, from Sieyès, from Mirabeau, etc.; without any concern for logic or opinion, and he botched his Constitution of Year VIII, which became the Constitution of Year X, then the Constitution of Year XII, and lasted fourteen years. Why wouldn't that of 93 have provided such a career?

It is true: the Republic was among us short-lived; and I want to denounce the cause, in order to once and for all shut the mouths of both the partisans of absolute power and those of moderantism. What caused the Republic to perish in 1799 and 1851 were not the vices of its Constitution: these vices were not of a nature to prevent it from living to the age of man; it is quite simply that the lower classes, for whose sake the Republic had been founded above all, and whose sovereign right the Constitution consecrated, found themselves, through the negligence or treachery of the legislator, having no access to the new order of things, no positive interest.

The honest bourgeoisie, which professes such great horror for the democratic regime, first of all, because it seems to be organized against it; then, because it has the no less serious fault of not presenting in its eyes any guarantee of stability, does not seem to have ever taken heed of one thing: ultimately humanity is not virtuous for long. against his own interest. Do you want citizens to always be zealous and faithful? Make sure they have more to gain than to lose. This is what our founders of democracy have never remembered. Whereas, under a monarchical constitution, king

and princes, when there is a nobility, — and it is rare that there is not, since it is always reformed, — all have certain material advantages determined and perfectly guaranteed, advantages that the plebs do not dispute with them; under a democratic constitution, in which the upper classes always find their way, the people alone have nothing; the legislator has allocated nothing to them, nothing awarded, nothing guaranteed; they remain completely disinterested, as if the thing were not their business. So that the sovereign people, who, through the periodic exercise of universal suffrage, renew their abdication every three or five years, still seem, by the nullity of their advantages, to be struck by disinheritance. They are a king without domains, a true John Lackland, a Walter the Penniless, who, of all the royal grandeur and magnificence, retains only the title, bare sovereignty. This is absurd, insulting, ridiculous: but it is the case.

In a monarchical establishment, the prince and his family have their civil list, their appanages, castles, domains, plus, from time to time, a few ghost goods; senators, great dignitaries, their endowments and pensions; the bourgeoisie has the privilege of employment of all kinds: there are hardly any whose emoluments seem to it to disdain, not to mention that small salaries are a route to the big ones. What have democratic constitutions done for the plebs? What alms, what crumb of public wealth have they assured them? In 1848, workers demanded the right to work: refused. They consider it a blessing that today they are allowed to contribute to care for their sick and feed their elderly. A decree from Luxembourg had made the Tuileries a hotel for the *Invalides of the people*: fifteen days had not passed since the revolution when an order from Caussidière expelled the occupants. For three months the people suffered misery for the Republic; but, after the days of June, they began to cry: *Long live Napoleon!* What did he have to do with this democracy?

It is said that the Republic was poor, in debt, the treasury empty, capital without confidence, the Stock Exchange and property conspired against. Besides, they add, how can we provide for so much misery, for such implacable appetites? What is a dynasty, an aristocracy, barely one per thousand in the nation, among these millions of starving people?... Let us not make a crime of the democracy an impotence that is that of humanity itself. The sovereign people want the prince, their chosen one, and his representatives to be magnificent: this is their glory, and one of their consolations in their poverty. They do not ask to be made to live as a Croesus and a Sybarite; he knows that this is impossible and would not even be moral....

I made, on the budget of 1863, the summary count of all the expenses incurred in the different ministries, by way of subsidies, subscriptions, encouragements, gratifications, secret expenses, relief, indemnities, missions, travel expenses, pay for non-activity, restorations and constructions of churches, palaces, etc.; I have attached the civil list, the endowments, pensions, less the civil pensions, formed by means of deductions from employees; plus, the reductions to be made on salaries that exceed the maximum authorized by democratic frugality; all sums, finally, spent gratis, luxurious, honorary, magnificent, liberal, police and arbitrary; and I found that the total of these sums approached 250 million francs.

250 million, on the product of a people that the evaluations of contemporary economists, friends of the empire, estimate at 12 and a half billion francs, that's just 2 percent.

Certainly I do not claim that everything should be subtracted from this category of expenses; even in the chapter of *secret expenses*, deemed shameful, there are, I am convinced, legitimate allocations. So it is not, [truly speaking,] a retrenchment that I want to speak of, it is rather a substitution. We are talking about the democracy, the conditions of its government, the need to interest the plebs in it, in the same way that the upper classes, the king and the royal family, the senators, ministers, and all agents of royal power, are interested in monarchical government. Now, since the sovereign people are condemned by the nature of things to be able to take part in the exercise of their power only by the appointment of their representatives, to reign and not to govern, neither more nor less than a constitutional king according to the spirit of 1814 and 1830, I wonder if the real way to interest these people in the system that makes them king would not be to attribute to them all the expenses which, under the monarchy and the empire, appear in the budget, to the different titles that I have just mentioned.

It is of course understood that I am reasoning here exclusively on the hypothesis that the nation would like to return to the system of 1793 and 1848, a system which, moreover, I do not otherwise intend to recommend, and which is not mine.

I therefore say that, the 250 million of which I have just spoken being of an essentially monarchical or sovereign nature, since they all relate to the person of the monarch, to his dynasty, to his court, to his great dignitaries, to his creatures, to the soldiers, all of whom he strives to rally to his cause, to this crowd of petitioners of all kinds who assail him, to the luxury of his crown, to the agents who watch over the safety of his person, etc., such expenditures can perfectly, in the event that Democracy succeeds the Empire, be transferred to the people, except for the modifications that the new system would entail.

To cite just one example, it is clear that military service, in the event that the army is retained, being obligatory for everyone, the 38 or 40 million francs in pensions granted to the military, with the exception of those for serious injuries, would become available, and could, by a simple transfer, appear in another chapter of the budget. It is also evident that, in a democracy, the duration of active service, in all professions, being equal to that of life itself, except in proven cases of illness, infirmity or decrepitude; the salaries of employees no longer having to be subject to deductions for pensions, and having to be calculated accordingly, there would still be a considerable saving to be made, in the interest of the sovereign. I leave aside these considerations that would provide material for an interesting criticism, but which are not precisely my subject.

Taking the 250 million, diverted from the current budget, or 2 percent of the total production of the country, I find that nothing would be easier than to make, with this sum, a kind of civil list for the people, a civil list in which more than 500,000 voters would participate. Here is how I would understand the distribution.

1. Conditions of admission to the *civil list of the people*:

Be born French; be over thirty-six years old; be married and father of children; certificate of good conduct; satisfactory education, depending on the profession; fifteen years of effective work, in the various categories of work, agriculture, industry, navigation, public functions, etc.; or, failing that, having produced a masterpiece, made a discovery, a brilliant action; be registered with

the National Guard, and fulfill its duties; only have an income of less than 1250 francs, the approximate average income in France per family of four people.

The incumbents would be elected by universal suffrage in all departments, and in proportion to the population. They would be recruited as vacancies occur, from lists drawn up in advance of *honoraries* also elected by universal suffrage, in numbers equal to that of the incumbents.

2. *Distribution figures.* — There would be, according to seniority and merit, three classes of holders: the first made up of all those registered or patented at the figure of 400 francs; the second of the patentees at the figure of 500 francs; and the third of the patentees at the figure of 600 francs.

| | | | |
|----------------------------------------|-----|-----|-------------|
| 250,000 honoraries at commission of... | 400 | fr. | 100 million |
| 150,000 — — of... | 500 | | 75 — |
| 100,000 — — of... | 600 | | 60 — |
| 12,000 — Staff from 800 to 1,200 | | | 12 — |
| Administration and office costs... | | | 3 — |
| 512,000 incumbents | | | 250 million |
| 512,000 honoraries | | | |

1,024,000

The certificate of participating member of the civil list of the people being not awarded for the purpose of luxury or idleness, but only as an encouragement to labor for the less fortunate classes, it was important that the figure of the allowances, while bringing a notable improvement to the existence of the worker, nevertheless remained within the bounds of wise moderation. It was also necessary for the incumbent not to believe he had arrived at the pinnacle of his sovereignty at once, which would only have resulted, after having saved him from despair, in throwing him back into atony.

Here then, with the 250 million from the monarchical budget, a democracy endowed, encouraged, elevated in dignity, and forming for the defense of the Republic an army of more than a million men. Do you believe that with such a rampart, the constitution of Year III would have had nothing to fear from the royalists and *chouans*, nor from the military, nor from the *advocates*, nor from the *rotten*, nor from all those who took their part in the *coup d'état* of Brumaire? Do you believe that in 1851 national representation would have been violated and the constitution abolished?...

But, it will be objected, your *civil list of the people* is nothing other than the exploitation of the wealthy classes by the poor. You have created the plebeian interest: where is the bourgeois interest now? Do you in turn believe that the bourgeoisie will suffer without a murmur this enormous civil list of 250 million? Your patentees and their families only form a tenth of the nation after all: would they be in the right, in the event of a revolt of the other nine tenths, now with no interest? Remember June 1848!...

My answer is ready, and I dare to flatter myself that the reader will judge it without reply.

The stability of the State and the government is a good that the bourgeoisie appreciates even better than the people, the greatest of all goods. This good cannot be obtained free of charge; experience has so far proven this to us too well: — I continue to reason on the hypothesis of our fifteen constitutions. Is it not true that as I write, this stability, so precarious, costs us, to speak of only one category of expenses, the expenses that I will call *Majesty*, 250 million? Now, what am I doing other than assigning another use to these millions? Liberty, security, stability, property, peace, guaranteed at a price of 250 million, 2 percent of *preciput* to be taken from the national product, in favor of the poorest, most honest, most intelligent workers, all of whom, on the day they received their patent, would have at least fifteen years of effective service: who then would dare to find that it is expensive?

For the rest, the bourgeoisie retains the enjoyment of its property and income, jobs, prerogatives, dignities and honors. It will be the first to benefit from the savings that will be easy for it, who knows how to administer and count, to make on the budget. In this regard, it is sure of no longer encountering the slightest dynastic resistance. With a democracy interested in maintaining the Republic and the government, providing a million armed men to defend them, no need for police; no more riots. Do you want to be on guard against popular insurgence? Take the people themselves as guardian. Reduction of the gendarmerie; absolute freedom of meetings, associations, periodic or non-periodic publications. Do we know what these difficulties cost?... — A workers' democracy will always be less bellicose, less adventurous than an autocracy. At first glance, there is 250 million to be saved on the war and navy budget, by only reducing the standing army by half; and, in the event that we wish to disarm altogether, 500 million. A democracy administered by an economical, defiant bourgeoisie, which would no longer have to fear revolutions from below, nor to fight against the initiative of the crown, would quickly find a way to amortize its debt, without resorting to bankruptcy: another 500 million to disappear from the budget. I stand by these observations. What would the bourgeoisie, which has become republican, complain about after that? Do you seriously want to embark on the path of reforms, on the path of the cheap market? You have to know how to pay the price. This might seem contradictory at first: the bourgeoisie, after what I have just said, will understand me.

Why, some will ask me again, did you not propose this beautiful project in 1848? — Well! If I must tell you, it is because my friends and I are true republicans, rigid republicans of sincere conviction; it is because we conceive a social state where the stability of the government will cost nothing, or almost nothing, any more than circulation, credit, exchange and insurance; where the working plebs will only need to be interested in public affairs through their labor itself; it is because we do not want any civil list, not even that of the people; it is because, while obeying the Constitution of 1848, we did not admit its unitary and indivisible form; it is, finally, because we are exclusively occupied with affirming and defending the principle of mutuality, which is none other than that of federation, against the aberrations of communism and governmentalism, slandered in our intentions, in our ideas, in our political, we had to be careful in all things not to arouse, through similar proposals, with popular desires, the fury of the bourgeoisie and the indignation of honest people.

I wanted, in an examination of the constitutions, to demonstrate by figures that the Constitution of 93, — I deliberately chose the most disreputable, — was just as applicable as any other. It would have been enough for that to know how to interest in it the hardworking and poor class, by attributing to it the civil list and all the expenses that a monarchy entails. — But who knows? It is not certain that in 1848, any more than in 1793, the workers would have accepted this gift. They would have displayed generosity. The people like their representatives to represent them bravely; their delights are almost all in ideas. They love princely largesse; they would perhaps not willingly receive from the Republic any endowment, subsidy, gratuity, bonuses, assistance, bribes or salary supplements. They have their own delicacy, their pride. Be that as it may, the times of 1793 and 1848 have passed; They will never come back, and that is why today I can allow myself all these criticisms. But, O blind and incorrigible conservatives, please remember this word of the Bible: *You shall not tempt the Lord your God.*

CHAPTER X

CRITIQUE OF THE CONSTITUTIONAL CHARTER, 1814-1830

The matron of Smyrna, parliamentary apologist. — Juste-milieu equivocation, pedantic doctrine, hypocritical moderation, veiled corruption, intriguing austerity, Jesuit mores, policy of adultery, absolute impotence.

Since, thanks to the monopoly of the press, to the *avocassière* ambition, to the elasticity of the conscience of our so-called democrats, to the complacency of the imperial government, thanks finally to the *welche* rubbernecking, we are in the process of returning to these famous institutions of July, let us hasten, while there is still time, to say all the bad things they deserve. Later our opinion, very irreverent, would infallibly be attributed to us as a crime.

M. Thiers is certainly, of all the supporters of the system modified in July, the most sincere, as he is today the most illustrious. I suspect between us that he only holds it so strongly because he is the author of the famous formula: *The king reigns and does not govern*. But after all, a little vanity does not interfere with a political conviction, and that of M. Thiers is complete, which makes it eminently respectable in our eyes. M. Thiers is the man who has done the most for the July Monarchy, who has known it best, practiced it best, and who defends it best today. Well! Did M. Thiers himself see perfectly clearly into the mysteries of this government according to his heart, and so well suited to his genius? Did he sense its essential immorality? Did he see that it was only a utopia a thousand times more corrupting, and consequently more dangerous, than those of 1793 and 1804? I ask forgiveness from the inexhaustible historian of the Consulate and the Empire for thus questioning the solidity of his judgment. M. Thiers says, in his history of Napoleon, that we were unfair with regard to the *Additional Act*; that this fourth Constitution of the Empire was certainly better than the Charter of 1814; that, in all its dispositions, the work of the emperor was more liberal than that of Louis XVIII. And M. Thiers didn't even notice article 18, which creates ministers of state without portfolio, responsible for defending the acts of the government before the Chambers; he did not see this dangerous invention, intended to cancel, for the benefit of the imperial prerogative, all the effects of parliamentarianism, an invention which, with the renewed electoral system of Year VIII, makes all the originality of the *Additional Act*, and that M. Thiers fights to the limit in the Constitution of 1852, as the idea most antipathetic to his feelings, to his most cherished convictions. I therefore have the right to suppose that M. Thiers, with the thoughtlessness or petulance of mind that he has been so criticized for, did not observe, with rigorous criticism, the Charter of 1830, and that in this he did not remain below opinion, which, long before 1848, without philosophy, and with the sole light of common sense, had condemned this system. Who is right, ultimately, public opinion before 1848, or M. Thiers today doing everything he can to lead that opinion to reverse its judgment?

I had first thought of carrying out an examination into the forms of this *bascule* which it seems we have become decidedly enamored with since we no longer enjoy it, and which forms

almost all the baggage of our young Opposition. But I reflected that an exposition of detail, whatever talent I might put into it, would seem supremely boring; that such a subject was below any philosophical discussion, however little prolonged; that a political system, invented expressly for the triumph of chatty mediocrity, of scheming pedantry, of subsidized journalism, exploiting advertising and blackmail; where compromises of conscience, vulgarity of ambitions, poverty of ideas, as well as the oratorical commonplace and academic eloquence, are assured means of success; where contradiction and inconsistency, lack of frankness and daring, elevated to prudence and moderation, are perpetually the order of the day; such a system, I say, refuses to be refuted, it is enough to depict it. To analyze it would be to exaggerate it, and, whatever the critic did, to give a false idea of it. Moreover, this constitution fits into the others; since we know that all together form only one cycle; it is one of those middle terms in which bourgeois wisdom delights, and in which it is enough to approach the extremes in turn to immediately reveal its hypocrisy and nothingness. Now, as this is precisely what we have already had the opportunity to do many times, as the same occasion will arise again, and as the mask is known to us, let us content ourselves, for the moment, with drawing its photography.

In times past there lived in Smyrna, on the coast of Asia Minor, a young and beautiful widow, although she had several children left by her husband; rich in addition, both from the dowry that her husband had given her, and from the guardianship of her three sons, and sought after for her beauty and her fortune by numerous suitors. The whole family, her husband's parents and her own, advised her against marriage. — “What do you have to do,” they said to him, “to engage in a second wedding?” A five-year marital experience must have made your youthful dreams fade away. Your late husband was an excellent man: that is why you must be honored not to give him a replacement; keep his memory piously. He left you, by marriage contract and by will, part by title of proprietor, part until your children reach the age of majority, the enjoyment of all his property, which is immense. This enjoyment, a quarter of which would amply suffice for your needs, assures you, with independence, a good fortune, and what is better, the respect and deference of your children. You replace the head of the family: what a position for a woman! Do not commit this future of honor, dignity and peace to an alliance whose problematic advantages cannot compensate for the obvious disadvantages for you. A strong woman knows how to find her happiness in the law imposed on her by her duties, the care of her reputation and Providence. Run away from joys that are no longer made for you. Your deceased, working [his lands] by himself, had succeeded in improving its cultivation and increasing his income accordingly. But what work! What trouble! He has barely died... Be more careful: make different batches of your estates; lease them separately; leave more to the farmers so that they can count on their accuracy. Refrain from taking a businessman as from giving yourself a husband, and, worthy mother, holy widow, occupy yourself solely with the education of your children. Would you, through a second marriage, take away from them the greatest part of your affection, the best place in your heart? Be careful, this would mean taking away their self-esteem. No alliance between the children of the first marriage and the new owner. By giving them a stepfather, you would be the stepmother. The hour of wisdom has come for you; don't complain about it. Remain your own mistress, and, with a free heart, pure

conscience as well as body, make your happiness in the noble role of educator and virgin mother. You won't find anything comparable to it." — She agreed with the justice of these reasons; but she did not lack pretexts either. — "A woman," she replied, "always needs advice and support; the very care of her reputation requires it. If she remarried, it would be in the best interests of her children. The savings that she was allowed to make during her guardianship would one day return to them: now, how could we not see that the savings each year would be more considerable, if the domestic expenses were shared by a second spouse, who certainly would not enter his bed empty-handed. — As for the deceased, she did not think she could honor him better than by the very choice of his successor. And once in possession of a husband, she did not say in power, she intended, with the help of an intelligent and devoted man, to continue the operation with even more success than her first husband. We would then see what she was capable of." — The truth was that, like all young women who have tried marriage, and despite her double motherhood, she was, more than ever, in love.

Among her admirers she had distinguished two very handsome men, of different conditions, but who were equal. One was of noble origin: his tall and elegant figure, his blond hair, his looks full of gentleness, his aristocratic hand, the distinction of his manners, his shimmering language, his title above all, flattered the self-esteem of the young widow. The other, of plebeian blood, had less brilliance; but his passionate energy, the firmness of his muscles, the timbre of his voice, his black beard full of promise, exerted an irresistible seduction. In his presence, she could not help but feel a delicious shiver. Those who were indifferent, it is true, did not see these two characters with the same indulgence. The first, a stranger to the country, was said to have dissipated the best part of his heritage in the follies of his youth; then he had traveled the world and adventures; feeling maturity approaching, he sought, through a marriage to a good bourgeoisie, to make an end. The second had his fortune to make, and he pursued his goal with the eagerness of a speculator, without restraint or shame. Pressed by the two rivals to declare herself, the young woman did not know what to resolve. She would have liked, she said with a laugh, to have taken both of them!... However, she had to decide: she secretly leaned towards the brown one; it was the blond who won. What, you ask, made her betray her intimate feelings, the happiness of his life, the security of her honor, perhaps? Mystery of the feminine heart, which vanity dominates even more than love. She judged that the blond would be a more manageable husband; that he would look better in society, at the ball, on walks; then, she wanted to prove to the slanderers that passion did not control her. She had not been able to contain herself so well that no one guessed anything of her too keen inclination: she was sacrificing it virtuously. Anyone who had known how to read the depths of her soul would perhaps have made this strange discovery there: she had understood perfectly, she told herself, from the point of view of the interests of her children, that a businessman would be a better administrator than a gentleman; and she hoped, without daring to admit it, that this favorite of her heart, even because of the love she had let him intuit, would remain faithful to her. After having made the sacrifice that her dignity demanded, she would find, in the devotion of an honest man, the reward for her virtue. The woman that love possesses is a well of naughtiness. In short, such was her pleasure; and nothing could change her resolution.

The marriage consummated, a terrible hatred took hold in the heart of the spurned lover. He cried betrayal and swore revenge. — “I will possess her, he said, willingly or by force, under her husband's beard.” — Immediately a whole system of secret persecution and bad offices was organized against her. Lawsuits are brought against her; her peasants are incited against her; w servants are poached, her business people corrupted; her woods devastated, her livestock mistreated; she is discredited in the country, she is lost in public opinion. If it is a civic election, she never receives a single vote. She, who had counted on an existence surrounded by homage, has her heart pierced by these insults, like so many arrows. She knows the cause, but she cannot confide her sorrow to anyone, not even to her husband, who for his part, equipped with his wife's power of attorney and becoming the master, launches into businesses, makes acquisitions, extends the circle of his operations, then consoles himself for his miscalculations by indulging, as before, in drunkenness and debauchery. Once again relatives intervene, recommending a separation, if not of body, at least of property, the only way, it is pointed out to the unfortunate woman, of not falling, her guardianship over, into the charge of her children. — But she: “I never complained about my husband, who was always full of attention to me; as for the one who made himself our enemy, I know too well where his anger comes from, and cannot blame him.” On the one hand, she was cozy with her husband; on the other, she savored as marks of love the envenomed features of the man whose ardor she had rejected. She had never loved him so much.

“I have sinned against love,” she said to herself at last; it is up to love to help me.” — She sent, with rich presents, to consult the oracle of Venus in this city of Hellespont where the famous Hero, lover of Leander, had been priestess. — “The consultant,” replied the oracle, “has only one way to get out of her embarrassment: by keeping her husband, to return to her lover.” — Let us judge her surprise! She was an honest woman; she respected her husband, her children, her dignity as a mother too much; and yet the response of the oracle reached to the depths of his soul. What distinguishes the hypocrisy of the woman from that of the man is that the latter, when he is alone, takes off his mask, while the woman keeps hers. She lies to herself. — “The oracles are enigmatic,” she said to herself; “I know what I have to do.” She summons this implacable persecutor to her, addresses him with tender reproaches, asks him what her husband and her children are guilty of towards him, thus recognizing herself as the only one guilty; claims for them, not for herself, her benevolence, giving the impression that she judges herself unworthy of forgiveness; finally, extracts from him a promise of reconciliation. It was a day of triumph for her when she brought these two men, formerly friends, to join hands. She had therefore done more by her prudence than all the advice. Victory of love and virtue! What can not a charming woman, in whom wisdom equals beauty? It makes rivals fraternize, embrace the lion and the dragon.

The whole town talked about this peace so delicately requested, so loyally concluded. The literate people, bohemians and bluestockings, invited to the festivals, celebrated in verse and prose this noble woman, of whom it was spoken, in discreet but well-felt terms, in the newspapers and even at the Academy. God knows, however, at what price this success was paid! Three days had not passed before the condition imposed by the oracle was fulfilled.

But that was another story. The lover was jealous like a tiger: he claimed to reign alone; every day he heaped reproaches on his mistress who could not bring herself to drive her husband from the marital bed, nor to desert him herself. Adulteress and polygamous, she turned to vampirism. For his part, the husband, indifferent as well as incapable, having become obligated, protected, the creature of the one who dishonored him, grew weaker day by day and plunged into villainy. Sometimes he seemed to want to act authoritative, and threatened to throw out his insolent rival. But this anger did not last: the lover had little by little made himself steward, manager, supplier, commission agent, banker of the house. All matters passed through his hands; he made loans, purchases, sales and renewals, assisted in all this by the woman, who admired his profound skill. The properties, property of minors, could not be pledged, he had borrowed on the income of ten years. The family's livelihood then depended on the one who robbed it... It was hell, a scandal that made the country cry out. However, the sons of the first bed became big and strong. — “Do you want, mother,” they said to her, “that we rid you of these two men? We'll start with your brown; this one thrown into the dunghill, the other will hardly weigh us down.” — “No, no,” she cried in despair. “What would they say of me, good God! Do you want to dishonor me?” — She clung to her infamy, and, like Phaedra, claimed *care for her glory*.

Finally, she resolved to consult the oracle again. This time she set off herself, stopping along the way at all the chapels erected to Love and Venus. — “Goddess,” she said, when she arrived in the sanctuary, “you deceived me. I followed your advice; I sacrificed everything to love, to pleasure; and I am more unhappy than before.” “You have deceived yourself, you foolish woman,” replied Venus sternly. Know that oracles only reveal to mortals what they themselves have conceived in the secret of their hearts. You sought adultery, you enjoyed it. Could you have believed that Venus would be your accomplice? But this is how you slander your gods. I am, under the name of Venus, Justice, Beauty and Modesty. I never had a husband or lover; Vulcan, Mars and Adonis mean nothing to me. I gave birth to myself, before the birth of men and gods, the Graces, the Loves and the Virtues. It was I who made the world, I who founded the first society, and the latest born from my womb is Liberty. And I will now be Remorse for you, who will pursue you relentlessly. Go, unclean one, and meditate on my words. Your shame will only be erased the day you agree to be whipped in public by your own children.”

But nothing could persuade the unworthy creature to leave either her husband or her lover. The disorder and embarrassment only increased; the sons, who had reached their majority, claimed their inheritance. This was the signal for the debacle. Instead of savings, the guardianship had incurred enormous debts. The best part of the income had passed into the hands of the manager: he was rich; the two expropriated spouses, declared bankrupt, found themselves without resources. She left this roof which had received her as a virgin, where twice she had become a mother, and went far away, with her imbecile husband, to live on the pension given to her by her children. As she had grown old in lust, she died in ignominy. No one attended her funeral.

I suppose, dear reader, that you understand this parable for yourself. However, I will pretend that you need an interpreter. In the west of Europe, in the best temperate climate on earth, there exists a numerous nation, equally favored by the gifts of nature and the spirit, sociable among all,

which for a time seemed destined to serve the others of advice and model, and which was one day called the *Great Nation*. For eight centuries, from the year 987 to the year 1788, it formed a monarchy which continued to prosper and grow, when suddenly it became the widow of its kings... But in which narration am I going throw myself? Of elections, of oppositions, of eclipses, of oaths and parables, I have, like Perrin-Dandin, my head troubled, and do not know how to say what I want to say. Yet it is a very simple thing. Around fifty years ago, France adopted the constitutional system. That is to say that, formerly owned in a community regime by kings of divine right, its lords and masters, it was, after a short widowhood, remarried in a paraphernal regime, what is called charter or constitution. It was therefore constituted, as before, into royalty, empire or presidency; the name varies: we know that France has always been fond of noble titles. But, upon taking office, the prince-husband had to approve as supervisor of his management a former close friend of his wife, known by the name or nickname of *Democracy, one and indivisible*. The widow had been told: No second marriages; remain free; govern yourself, administer yourself; and since your domain is so vast that it exceeds the strength of one man, or even of a company, divide yourself into provinces, independent, autonomous, linked only together by a federal bond. Above all, no dualism; put up with your chief, if you cannot do without him, and try to get along with him. But be careful not to give him an assistant, be careful not to introduce into your bed a lover, an adulterer, who would be a worse tyrant for you than the first. It would be both your ruin and your shame... France did not heed the warning. She remarried, she took a lover, and her miseries multiplied like her fornications. Thus, *Monarchy* and *Democracy*, antagonistic, irreconcilable elements: such is the fatal rivalry on which our political system or household is based. The prince enjoys the marital title and exercises its rights; the condition of Democracy represented by an elite of men chosen by the electorate, and who call themselves Opposition, varies. Sometimes, sponsor of the prince, this elite forces him to give painful accounts, imposes its direction on him, chases him from its house and its bed; other times, the outraged spouse takes his revenge, forces Democracy to retreat, leaving its representatives with barely a few crumbs of love, insufficient for their robust appetite. Since December 2, the friend of the heart had been eating in the kitchen; he has just received, following the last elections, the invitation to reappear at the table of masters. Beware of the chief! Whatever happens, it is clear that the two rivals identically pursuing the same goal, wanting absolutely the same [thing], that is to say, to possess, to the exclusion of one of the other, both woman and goods, France can gain nothing from change. Whether she throws herself at her husband's neck or at her lover's head; if she divides herself between the two and tries, by fulfilling them in turn, to bring them into harmony, nothing serves her. It is always from his personal income that the costs of quarrels and reconciliations are borne.

What more can I tell you? Instead of the single lord who possessed her youth and whom she called *My noble husband*, France, with its system of constitutional polyandry, gave itself two tyrants, it made itself a prostitute. Adultery adopted as a softening of marital authority and a preservative against divorce; promiscuity in the political family, to serve as an example to private families: such is the system imagined in 1791, inaugurated in 1814, consolidated in 1830, and for

the reestablishment of which the city of Paris has just given 153,000 votes. What do you say, proud democrats? Do you know what your Opposition is? An act of prostitution. If this apologue does not seem demonstrative to you, I have at your service all kinds of peremptory arguments, both factual and legal. But first I must prove to you that I am no longer alone; that the eighteen protestants of June 1 have become *legion* and that you have before you a party determined to erase you from the political dictionary.

(The manuscript remains unfinished.)

LETTER

TO MONSIEUR ROUY

EDITOR-IN-CHIEF OF *La Presse*

Paris, May 29, 1863.

MONSIEUR EDITOR,

I had promised myself not to take any part in the electoral debate. I expressed my thoughts on this subject in a writing made public, and the state of my health makes the work of the mind almost impossible for me at the moment. The latest articles by M. de Girardin, published in your issues yesterday and the day before yesterday, on abstention, force me to make an effort, and to break the silence.

After having recognized (see the *Presse* of May 23), that there were, prior to the vote, *two great, two beautiful questions to debate*, first, the question of abstention, and second, the question of knowing to what improvements the vote universal is susceptible, M. de Girardin has let himself be carried away to the point of insulting the abstainers, whom he treats as *false* and *fierce spirits, political eunuchs, revolutionaries, sectarians*, and whose conduct he qualifies as that of an *intolerant, fanatical and cowardly persons*. Why this outpouring of insults? This is what the discussion will reveal to us.

But first of all, whose fault is it if these two *great and beautiful* questions, which, to say in passing, are only one, have not been addressed? My pamphlet on universal suffrage (*The Sworn Democrats*), in which the double question of the improvements to which universal suffrage is susceptible is explored at length, and, pending the necessity of abstaining, appeared on April 20. All the newspapers received it; M. de Girardin was able to read it: why did he not start the debate? Abstainers do not have a newspaper; why didn't the *Presse*, the *Siècle*, the *Opinion nationale*, the *Temps* offer us their columns? — The abstentionist declaration or protest, addressed *To the Democratic Electors*, is dated May 17; there were thirteen days left before the vote: why did these same newspapers refuse to insert it? — Against this declaration a note was published, in all the coalition newspapers, by the authors of the *Electoral Manual*, alleging the illegality and ineffectiveness of the blank ballot: why again, when the signatories of the declaration had sent their reply, did the *Presse* alone, without regard to the right of reply, persist in its refusal to include it? They did everything to stifle our voices; and here, on May 28, three days before the elections, M. de Girardin, acting as our slanderer, concluded against us by saying: Let us vote; it is too late to discuss!... This maneuver will be judged, or I will not be able to; and it will not be to the honor of M. de Girardin. As for now, it is enough for me to denounce it.

M. de Girardin takes the liberty of writing, with a cheeky air: “The abstentionists who are agitated; the abstentionists who form committees; the abstentionists who pile circulars on circulars, newspaper articles on newspaper articles to prevent people from voting, etc.” — The truth, M. Editor, is that we are the most peaceful in the world; we do not get agitated; we do not

form a committee; much less are we a secret society. Only we found ourselves SEVENTEEN, seventeen citizens coming from various points of the political horizon, some belonging to the past and representing the democratic tradition, others oriented more towards progress, who for the most part had never seen one another, and half of whom met once, the others having sent their written or verbal adhesion. In truth, the democratic candidacies must be very sick, to cry out today about the great conspiracy of the abstentionists. Our publications are limited, as I said, to three; a pamphlet, a protest, and a reply in forty lines. Our action did not go beyond that. This action must be very powerful, for it to have moved the bar, the workshop, the stock exchange, the Church, the court, and the city; for so many thunderbolts to be heaped upon us, so much anger to be aroused!

Yes, we vote by blank ballot, and we maintain that respect for principles, the religion of the oath, requires the democracy to do the same; yes, we affirm that this mode of abstention, duly justified, perfectly *legal*, is still *action to the highest degree*. Have the legal considerations on which our thesis is based been refuted? No. Everyone recognizes the obvious: on this point there is only one voice. Are the supporting factual reasons denied? But everyone is a witness to the facts; they stare out their eyes; we can summarize them in one word: Universal suffrage, directed by the government, strangled by the monopoly newspapers in agreement with the outgoing deputies, does not enjoy all its independence. On what basis does M. de Girardin combat us, we who, out of democratic dignity and as a safeguard, recommend to democratic voters to vote by blank ballot? It is, he said, on one hand, with MM. E. Ollivier, J. Simon preaching for their own candidacies, that abstention is inaction; that whoever abstains is annulled, etc.; — on the other hand, with the pitiful authors of the *Manual*, more concerned at this time with their authority as lawyers than with democratic right, and for whom a further restriction on universal suffrage would be a benefit, that voting by blank ballot is illegal. This is why we are accused of intolerance, fanaticism, cowardice. Let us do justice to these miserable allegations one last time.

I say first of all that abstention is an eminently conservative act. The democracy is currently in the position of the litigant for whom the rules of procedure are not observed, for whom default has become the last resource. Do the lawyers, authors of the *Manual*, deny the usefulness of the default? Every day, in civil, commercial and criminal matters, they recommend it to their clients. Would they dare to maintain, these profound jurists, that between the individual, pleading for his liberty, his honor, his property, and the citizen called to decide on the politics of the government, there exists no parity? I undertake then to make them see that all the rules of procedure, civil and criminal, are a deduction from the political guarantees that in any free state the Constitution ensures to citizens.

I add that abstention, hence the white ticket which is the form recommended today, is legal. The proof is, 1. that voting is not obligatory; 2. that in the case where the voter decides to vote, his choice remains free; 3. that the ballot is secret; 4. that no penalty is imposed against anyone who abstains and none can be imposed; 5. finally, as our friend Chaudey said in his reply to the lawyers' note, that there can, in certain cases, be more advantageous for the voter who votes, in expressing his doubt, his reluctance, to protest by depositing a blank ticket, to answer *yes* or *no* [on the

question] insidiously posed to him, or to decide between Peter and Paul. Will the authors of the *Manual* be satisfied? Let them raise an objection. and I promise to bring out new proof.

Is the case where the voter has a greater advantage in voting by blank ticket, as we think, the one that presents itself today? — Abstention then is action to the highest degree; it outweighs in energy the actual vote, whatever it may be; because its aim is to ask, prior to any election, this *great and beautiful* question of knowing *what improvements must be made to the mechanism of universal suffrage*, in order for it to function in a normal manner.

It is in vain that M. de Girardin cries to us, quoting M. Dupanloup and his six colleagues in the episcopate: *You prevent nothing by not voting, and you abandon everything; you complain that we can't see clearly; will you see more when you close your eyes*, etc., etc.? Monseigneur d'Orléans is an excellent rhetorician; unfortunately it's not the question.

I reply to the seven prelates that by abstaining I am not giving up anything; that on the contrary I reserve and preserve everything; that here the way to overcome arbitrariness is not to make it, through an untimely struggle, and against oneself, the auxiliary; but to let it wear out in its own action. And to return to my comparison earlier between the individual who pleads and the voter who votes, I ask since when the litigant who defaults is supposed to abandon his right: is it not precisely the opposite that takes place? How many have been saved by default, who would infallibly have been lost by the debate? If the unfortunate Lesurques had been able to default by giving bail and remaining a prisoner until the truth was revealed, he would have saved his head; and his family would not plead for his rehabilitation. We would not oppose *res judicata* against him.

Moreover, M. Dupanloup and his colleagues talk about it at ease when they urge us to vote. For the contemporary Church, very different in this respect from the Church of the Middle Ages, as well as for M. de Girardin and his ilk, all governments are equal and are worth the same, from autocracy to federation. Indifference in matters of public right, consequently, promiscuity of principles and opinions: this is their dogma. What does a little more, a little less inconvenience in the operations of universal suffrage matter to them? They abhor the democracy, and its aspirations, and its principles; they understand nothing of our scruples. We must therefore not neglect anything that can contribute to clearly defining our position and our idea. While the government, followed by the episcopate, supported by a conservative and reactionary majority, and by a part of the democracy itself, sees in universal suffrage only a political instrument, dangerous to handle, which demands the senior management of the Power; in our eyes, universal suffrage, organized according to its law, is the very constitution of the democracy. We cannot and must not tolerate anything that undermines it: the inviolability of universal suffrage is the palladium of liberty. In this regard we will say with Bossuet that *there are principles against which everything that is done is null in itself*, adding that in the name of these principles we place the forms, conditions and guarantees of universal suffrage.

What would M. Dupanloup respond if we asked him to vote for the formation of a council composed of the clergy of all religions, with the mission of merging all religions into one? M. Dupanloup would respond that there is no possible compromise between the Catholic religion,

which is truth, and Protestantism, Judaism, Mohammedanism, etc., which are error. He would declare his abstention, and no one would find fault with it. We are in our political conviction what M. Dupanloup is in his religious faith. We believe that of all forms of government only one is true, and that this form is precisely that which results from the constitution or organization of universal suffrage. From this constitution everything follows: public, administrative, civil, economic, criminal law; politics, family and property.

This being said, we formally refuse any arbitrary process, and if something horrifies us, it is this indifference to governmental forms, it is these alliances of incompatible opinions, these associations of votes, which men of intelligence and schools as diverse as MM. De Girardin, de Montalembert and Dupanloup profess.

Now call us *sectarians*, *revolutionaries*, if you like. These names do not frighten us, as long as we define them. Without doubt we are a sect, a sect born yesterday, and so to speak without our knowledge; because we are in a tiny minority, and there is something in us that distinguishes us from the mass, and which consists in the fact that we have recognized our principles, that we affirm the constitution of the democracy, and that we do not blush at universal suffrage. Our adversaries are not there, they who have neither principles nor political conscience, who believe no more in universal suffrage than in divine right or in constitutional monarchy. Without doubt we are still revolutionaries: all the founders of the State were, at least during the time they took to establish themselves; and happy are the people when the initiating Power does not unnecessarily prolong its dictatorship! The government, I say, is revolutionary whenever, emerging from ruin, it is forced to act contrary to the principle demolished by virtue of the principle which it itself is called to institute, and which it didn't have time to put it into law. This is how the Constituent Assembly, in 1789, was revolutionary; the Convention, the Consulate, the Restoration, the July Monarchy were also; the Republic of 1848 was not at all, it had not recognized its principle, and its ignorance killed it. December 2, finally, was revolutionary, it has been so for too long... And we in turn, we who abstain, we will be revolutionary: but rest assured, M. de Girardin, M. de la Guéronnière, and all of you who feign terror, we will act quickly and will not make you languish.

What shall I say of the oath? For MM. of Girardin, Dupanloup and others, people professing political indifference, the oath has no meaning, it is without significance. What do they risk? Their oath will hold as long as the government to which they have sworn it stands, and which they in no way intend to overthrow, nor do they provide any guarantees. Live, if you can, they tell them; defend yourself: we wash our hands of it!... For us, who believe we possess in organized universal suffrage the true constitution of the democracy; who with our wishes, with our labor, with all our efforts, tend towards the realization of our idea; we whose faith in principles obliges us to foresee the case where the oath sworn to the prince becomes incompatible with the works that this faith commands us, we refuse to take the oath. Sworn by our hands, the oath would be apostasy or perjury; we cannot escape this dilemma.

Certainly abstention distances us for the moment, perhaps for a long time, from the Power and its advantages. The honors of the deputation and all the benefits of rallying are not for us. Popularity itself is fleeing us: the contemporary generation, en masse, has entered a path that is

not ours. We will succumb to the task before the dawn we have dreamed of dawns. So be it. Forward without hope and even against hope. We will remain faithful to our past, to our political religion, to ourselves. We will think of our brothers who died in exile, prisons, on the barricades; we will kiss their ashes, and we will say, like the Jews of the time of the Maccabees: Let us die in our simplicity, *Moriamur in simplicitate nostrâ!*...

But what am I saying? Are we not already rewarded by the anathema that M. de Girardin and the others fulminate against us, to whom our abstention, this abstention that is accused of inertia, of impotence, of suicide, so brutally thwarts?

Intriguers, without a mandate, undertook, for their own fortune, to marry the Empire to the Democracy of 1848. The conditions of the contract were to be, according to them, an honest and moderate liberty, a moderate centralization, a moderate tax, in short, all the joys of moderatism. This is what they call the crowning of the edifice. Having become ministers, they believed that the democracy should be satisfied. For this two things were necessary: to make this new democracy vote like a man without abstention or reservation; to bind it by the oath of its candidates. Everything was ready for the ceremony: the paranympths or groomsmen had put on their most beautiful dresses; they had paid their compliments to the future husband, and submitted their applications, when suddenly a voice was heard: This cannot be, exclaimed a small group to whom no one was paying attention, it will not happen. There is an impediment to marriage and an overwhelming impediment. First, the girl is not free; then, she took a vow of virginity.

And here the marriage is broken, to the great disappointment of M. de Girardin and his acolytes. Disowned by both parties, the matchmakers are reduced to proposing a free union, revocable at the will of the parties, a sort of morganatic marriage, between the Empire and the old society of the Rue de Poitiers which, in 1848, lavished its smiles on Louis-Napoleon and saw itself, a year later, so outrageously disdained. This is why M. de Girardin, after having given the kiss of reconciliation to M. Carnot and his coterie, today embraces with effusion (see today's *Presse*, May 29) MM. Odilon-Barrot and Thiers. The so-called democratic deputies, numbering half a dozen if the fortunes of the vote favor them, will attend the bedtime of the favorite; they will hold the candle.

Do your job as pimp, M. de Girardin, put the electoral multitude in heat. Call, call on your list the flood of ballots. But refrain from treating as *eunuchs* the citizens whose inflexible *veto* has just aborted your honest project. The eunuchs, you should know, are those whose vain mediocrity is ready to associate itself with all regimes; who boast of their republicanism to give more value to their rallying, and in whom the oath, taken by them or advised to others, has gelded the conscience. Ah, you accuse the abstention of impotence! Well, go, if you dare, to find M. de Persigny, who has not given you a mandate; tell him that he is wrong to be frightened by the candidacy of M. Thiers; that you bring him in compensation the votes of MM. Carnot, Corbon, Vacherot, Jules Simon, Marie, Pelletan, F. Morin, E. Ollivier, J. Favre, Dréo, Clamageran, Floquet, Hérold, Guérault, Havin, Nefftzer: but do not boast of having conquered by the imperial system our young democracy. Unanimity is required here; and there is public protest. As for this multitude who, deceived by you, disorganized, gagged, blindfolded, rushes to the polls, they are

incapable of consummating the work to which you invite them. They cannot negotiate or compromise. We, who act knowingly, invalidate, through our thoughtful abstention, all of their votes. The ballots that you are going to count, whatever their number, will have no more value than the flame of the lanterns that are lit at public festivals, and which without consequence for their dignity as lanterns, filled with fat by mercenary hands, burn, one day for the king, the next day for the republic, and the third day for the emperor.

As for the reproach of *cowardice*, articulated by M. de Girardin, who dares to ask us why, following the example of the Poles, we do not rebel, I believe it is useless to raise it. M. de Girardin, in the intemperance of his humor, did not realize that he was doing something odious towards us, something provocative. There are some among us, it must be admitted, who have proven themselves, and who, if necessary, would still be able to pay with their own hands; the others would follow, within their means. But every day has its own sacrifice. There are seventeen of us, from twenty to seventy years old. May we be permitted to remain entrenched in our innermost being; there we are inviolable and invincible.

I salute you, M. Editor, very sincerely.

P.-J. Proudhon.

APPENDIX

Mr. Bastide asks us to publish a circular addressed to the democratic voters of the Seine by the leaders of the democracy in 1848, to recommend that they abstain in the elections that are about to take place:

To the Democratic Voters.

However difficult may be, in the current circumstances, in the face of so many overexcited ambitions, in the presence of a power armed with so many restrictive laws, and of a journalism so compromised in all the electoral intrigues, the task of making Democratic voters hear the language of dignity and self-sacrifice, the signatories to this declaration nevertheless want to try to fulfill it. There are times when silence, so dear to fellow souls, is no longer sufficient protest. We must speak, we must contradict, we must utter the cry of conscience, even if we have to stifle it a hundred times under the oppressive clamors of ambition and vanity.

Democratic voters, you are deceived, odiously deceived!

Some journalists, strangely abusing their monopoly on publicity, and aggravating the legal restrictions of the press regime by a completely new type of compression, have undertaken to cancel at once, for their benefit, all the precautions taken to ensure the independence of your sovereign decisions. All the initiative of the citizens has been reduced to nothing. The committees resulting from this initiative have been ignored, reviled, banned in the columns of a press that dares to call itself *liberal*. The wishes of the workers sent to these committees by the confidence of their comrades were disdained. You will not even know the names of the proven democrats who had received, in serious preparatory operations, the mission of enlightening you with their advice.

All that is being addressed to you is the voices of a few failing leaders deposed, by their own split, of all authority and mandate. The candidates proposed to you by the so-called organs of the democratic opposition are the result of a choice made in a meeting of these candidates themselves. A monstrous alliance of names emerged, which seems to have no other purpose than to distort the meaning of all the controversies of recent years. Our oversight is suppressed by the very people you had to oversee. They decided, in their wisdom, that the voter must be reduced to the impossibility of discussing who is eligible.

Is this a claim that the electorate must have to endure? Is this an example of democratic dignity that should be sanctioned? Must we admit, alongside the already overwhelming action of the power, that to constitute a dictatorship of opinion it is enough to have the agreement of a few journalists who want to become deputies at all costs, and of a few former deputies who want to become one again at all costs? Can we say, if this disastrous example is established, that there remains only a shadow of electoral liberty?

Obviously not.

There would no longer be any talk of democracy in a country where democracy allowed such reprehensible precedents to pass.

What remains to be done by Democrats imbued with a true sense of their civic dignity?

The partisans of the effective vote, of voting having as its object the nomination of a candidate, can no longer think of pitting list against list, proper name against proper name. They lack all serious means of publicity, and, through the reduction to the impotence of banned committees, democratic candidacies, necessarily isolated, can only take place under the most unfavorable conditions.

The partisans of the negative vote, of voting by blank ballot, thus see an all-powerful consideration of fact added to so many reasons of principle, which are already so serious, which require them to refrain from any nomination of candidates. How can we not understand now that what is happening is the highest justification of their feelings?

In this sad situation, which is the effect of the misfortunes of the times, the signatories of this document, after having carefully deliberated, do not hesitate to declare that voting by blank ballot seems to them to be, *for the democrats*, the best way to protest against all policies detrimental to electoral sovereignty, and to safeguard for the future the rights of civic dignity and liberty, all the honor of the principles and all the interests of the revolution.

They therefore advise all true democrats to vote by blank ballot.

The blank ballot is a perfectly legal vote. It formally establishes and reserves, by its very use, all the rights of the voter. This is the work of the vigilant citizen par excellence. It thus becomes the most expressive and broadest form of opposition, the most solemn warning to power, far superior in this respect to abstention, which is reduced to not approaching the ballot box. It changes the conditions of majority; it profoundly modifies the voting; there is no risk of being mistaken, and it counts by its very nullity, by the necessity of mentioning it and appending it to the reports of the election. This is action of the highest degree, and absolutely regular action. It is the direct word of the people to the government, the only one that they can address to it without an intermediary, the power of which increases by reason of the number of ballots that express it. The practice of the blank ballot, thus extended, would be a sure sign of the political education of the people, one of the greatest advances in universal suffrage.

Fifty thousand blank ballots, in Paris alone, would be enough, in current circumstances, to discredit all the shames, to foil all the intrigues and to replant, on the solid ground of public honesty, the flag of liberty and right.

Democratic voters, is it too much to rely on your perspicacity to expect calm and simple protest from you?

Paris, this May 17, 1863.

Signed:

Jules BASTIDE, former minister of the republic.
Etienne ARAGO, former representative of the people,
Charles BESLAY, “
A. A. ROLLAND, “
Ferdinand GAMSON, “
Victor PILHES, “
P.-J. PROUDHON, “

Gustave CHAUDEY, lawyer and journalist.
Elias REGNAULT, journalist.
ROGEARD, journalist.
Amédée LANGLOIS, former editor of *Le Peuple*.
Georges DUCHÊNE, “
T. LAVERDAYS, student.
Aristide REY, student.
FRISON, milliner.
ROULLIER, shoemaker.

SOURCE: *La Gazette de France* 233 no. 1 (20 Mai 1863): 2.

TO THE EDITOR.

Paris, May 23, 1863.

Monsieur Editor-in-Chief,

Being part of the *various persons* who signed the declaration addressed *to the democratic voters*, we believe we are clearly enough designated in the note published yesterday by your newspaper, in relation to this writing, to have the right to ask you, in the name of these *various persons*, the insertion of a few lines of response.

It is said, in fact, in the declaration signed by us, that the blank ballot is a *perfectly legal vote*, that it *changes the conditions of the majority*, that it *profoundly modifies the voting*, and that it counts *by its very nullity, by the need to mention it and annex it to the report of the election*.

This is what the authors of the *Electoral Manual* call “an error of law that must not be allowed to be validated.”

It goes without saying that we stand by all of our assertions. This should not surprise you. But let's reason a little.

In all possible votes, in the Senate, in the Legislature, in the general, municipal councils, at the Academy (there are some recent examples), wherever one deliberates, is it not permitted, licit, regular, consequently *perfectly legal*, in the face of certain proposals or designations that are too restrictive or too imposed, to declare oneself prevented from taking sides, and, consequently, to express this state of mind, to vote by blank ballot, or even not to vote at all?

We challenge the authors of the *Manual* to point out to us a provision of law that prohibits doubt, perplexity, repugnance, any of those embarrassments of the mind, in short, which, in a deliberating body, reduce a voter to the impossibility of deciding on this or that question, for this or that person.

It is certainly something to express, through one's way of voting, a doubt, a perplexity, a repugnance. This is, in our opinion, more significant than not voting at all. The intention is more obvious, better indicated, and, in certain cases, one may want to show one's embarrassment instead of hiding it.

By advising the democratic voters to vote by blank ballot, we wanted to make them understand that they would show their embarrassment better in this way than by staying at home, not voting at all, and that, moreover, they would avoid even the pretext for reproaches of inertia or carelessness. This way of seeing therefore clearly has its reason for being, and this is why voting by blank ballot seems to us superior to the determination not to vote at all, in other words to simple abstention.

The blank ballot obviously changes *the conditions of the majority and profoundly modifies the voting*. A very easy calculation is enough to prove this: If, out of 35,000 voters in a constituency, 10,000 vote by blank ballot, there are only 25,000 effective votes, which means that the absolute majority is only 12,500 votes plus one; whereas if there were 35,000 effective votes the absolute majority would be 17,500 votes plus one.

If we suppose, for example, that things were like this in the first district, it would take, in one case, seventeen thousand five hundred votes plus one to defeat M. Havin; and, in the other, only twelve thousand five hundred plus one would be needed.

Wouldn't this be a serious modification of the ballot and the *conditions of the majority*?

It is also important not to forget here that we are speaking from the point of view of those among the democrats who would like to see the absence of any democratic candidacy.

As for the way in which the blank ballot produces its effect, by saying that it counts *by its very nullity, by the necessity of mentioning it and annexing it to the report of the election*, we believe we have sufficiently indicated the substance of our thinking. We are, in this, strictly in agreement with the very text of the article of law cited by the authors of the *Manual*, and we must rely, on this point, a little on common sense and a lot on the spirit of the public. Why annex the blank ballots to the report, if not to allow the Legislative Body to note them, count them, and thus assess all the circumstances of the election during the verification of credentials?

The system of blank ballots has been seriously considered. It will be, if you like, *refined abstention* but this abstention seems decidedly preferable for democracy to what is best in what is the *Temps*, the *Siècle*, the *Presse* and *Opinion nationale* call *action*.

Signed: JULES BASTIDE,
A. A. ROLLAND,
GUSTAVE CHAUDEY.

SOURCE: *Le Temps* 3 no. 761 (26 Mai 1863): 1.