

Netherlands. The other confederacy which has been mentioned has no kind of analogy to our situation.

From a review of these leagues, we find the causes of the misfortunes of those which have been dissolved to have been a dissimilarity of structure in the individual members, the facility of foreign interference, and recurrence to foreign aid. After this review of those leagues, if we consider our comparative situation, we shall find that nothing can be adduced from any of them to warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former to secure our happiness. The causes which, with other nations, rendered leagues ineffectual and inadequate to the security and happiness of the people, do not exist here. What is the form of our State governments? They are all similar in their structure—perfectly democratic. The freedom of mankind has found an asylum here which it could find nowhere else. Freedom of conscience is enjoyed here in the fullest degree. Our States are not disturbed by a contrariety of religious opinions and other causes of quarrels which other nations have. They have no causes of internal variance. Causes of war between the States have been represented in all those terrors which splendid genius and brilliant imagination can so well depict. But, sir, I conceive they are imaginary—mere creatures of fancy.

ROBESPIERRE



MAXIMILIEN MARIE ISIDORE ROBESPIERRE, French revolutionist and madman during the Reign of Terror, was born at Arras, France, May 6, 1758, and died by the guillotine in Paris, July 28, 1794. Educated at Arras, and at the College of Louis the Great, Paris, he studied law and was admitted to the Bar in 1781. Following his profession at his native town, he was appointed criminal judge in the diocese of Arras, a post he, however, resigned rather than pass upon a culprit the death-sentence which the law demanded. Resuming his law practice, he for a time took to literary pursuits, which in 1784 gained for an essay he wrote a medal from the Academy of Metz. Elected in 1789 to the States-General, he blossomed into a radical Democrat and became leader of the Extreme Left. Three years later, on the death of Mirabeau, his fell influence became dominant, and an era of raging revolution approached, such as struck terror to the hearts of even the boldest and aroused the horror of all Europe. The flight of the King followed, which excited Robespierre's suspicions of foreign intervention and inflamed the revolutionary clubs. The monarch's arrest and return in ignominy to Paris were but steps that led to the King's execution, to the suppression of the privileged orders, and to the demand for the Revolutionary Tribunal, which by its inhumanity and violence fanned the flame of fanaticism and anarchy, and caused the streets of Paris to run with blood. Robespierre, meanwhile, had been returned in 1792 a deputy from Paris to the National Convention, and in July of the following year he became a member of the Committee of Public Safety. In both of these bodies the Girondists or moderate Republicans were in the minority, so the Jacobins, the men of the Mountain, moved on unchecked to that Saturnalia of bloodshed which they let loose on the capital and on the towns, such as Lyons, Arras, Toulon, and Nantes, of fair France. The holocaust of murder during the "Reign of Terror" was appalling; by a righteous retribution, one of its victims was Robespierre himself, who, owing to a schism that had arisen in the infamous Committee of Public Safety, fell before the intrigues of his enemies and of the despotic power which he had insanely arrogated to himself. Writing of the Reign of Terror and the September massacres, Carlyle observes that "it is unfortunate, though very natural, that the history of this period has so generally been written in hysterics. Exaggeration abounds, execration, wailing; and on the whole darkness." Those who are familiar with the annals of the era in French history, and, above all, who know the contemporary documents, need have no wonder that history has dealt with the period as it has. Nor can they fail to determine how far Robespierre, of all the actors in the Revolution, was responsible for the inhuman tragedies of the time, and how the lurid curtain lifted when he went to his doom.

AGAINST GRANTING THE KING A TRIAL

DELIVERED DECEMBER 3, 1792

L OUIS was king and the Republic is founded ; the famous question which occupies you is decided by these words alone. Louis has been dethroned for his crimes ; Louis denounced the French people as rebellious ; he has called the arms of tyrants, his colleagues, to chastise them ; victory and the people have decided that he alone was rebellious : so Louis cannot be judged ; he is already judged. He is condemned, or the Republic is not absolved. To propose a trial for Louis XVI, in any way whatever, is to retrograde towards royal and constitutional despotism ; it is a counter-revolutionary idea ; for it is putting the revolution itself in question. Indeed, if Louis can still be the object of a trial, Louis can be absolved ; he can be innocent. What do I say ? He is presumably so until he is judged. But if Louis is absolved, if Louis can be presumed to be innocent, what does the Revolution become ? If Louis is innocent, all the defenders of liberty become calumniators. All the rebels were friends of truth and the defenders of oppressed innocence ; all the manifestoes of foreign courts are only legitimate complaints against a ruling faction. Even the confinement that Louis is subjected to until the present time is an unjust vexation ; the federates, the people of Paris, all the patriots of the French empire are guilty ; and this great trial pending in the court of nature, between crime and virtue, between liberty and tyranny, is finally decided in favor of crime and tyranny. Citizens, take care ; you are deceived here by false

notions ; you are confounding the rules of civil and positive law with the principles of the law of nations ; you are confounding the relations of the citizens among themselves with the relations of nations to an enemy conspiring against them ; again, you are confounding the situation of a people in revolution with that of a people whose government is established ; you are confounding a nation which punishes a public functionary, while preserving the form of government and that which destroys the government itself. We attribute to ideas which are familiar to us an extraordinary case which depends on principles that we have never applied. So, because we are accustomed to see offences of which we are the witnesses judged according to uniform rules, we are naturally inclined to believe that in no circumstance nations can with equity proceed otherwise against a man who has violated their rights, and where we do not see a jury, a court, a trial, we do not find justice. Even those terms which we apply to ideas different from those which they express in common use completely deceive us. Such is the natural empire of habit that we regard the most arbitrary, sometimes even the most defective institutions, as the most absolute rule of truth or falsehood, justice and injustice. We do not even dream that the majority still hold necessarily to the prejudices with which despotism has nourished us ; we have been so long bowed under its yoke that we lift ourselves with difficulty to the eternal principles of reason ; everything that rises to the sacred source of all laws seems in our eyes to assume an illegal character, and the very order of nature seems to us disorder. The majestic movements of a great people, the sublime impulses of virtue, often present themselves to our timid eyes like the eruptions of a volcano or the overthrow of political society ; and surely it

is not the least cause of the troubles which agitate us, this eternal contradiction between the weakness of our customs, the depravity of our minds, and the purity of principles, the energy of character which the free government to which we dare pretend supposes.

When a nation has been forced to have recourse to the right of insurrection it returns to a state of nature in regard to the tyrant. How could the latter appeal to the social compact? He has annihilated it. The nation can preserve it still, if she thinks it proper, for whatever concerns the relations of citizens among themselves: but the effect of tyranny and insurrection is to break it entirely with regard to the tyrant; it is to establish them reciprocally in a state of war; the tribunals, the judiciary procedures, are made for the members of the city. It is a gross contradiction to suppose that the constitution can preside over this new state of things; it would be to suppose that it survived itself. What are the laws which replace it? Those of nature, which is the basis of society itself; the safety of the people. The right to punish the tyrant and that to dethrone him are the same thing. The one does not admit of different forms from the other. The tyrant's trial is insurrection; his judgment is the fall of his power; his penalty, whatever the liberty of the people demands.

Peoples do not judge like judiciary courts: they give no sentence, they hurl forth the thunderbolt; they do not condemn kings, they plunge them into nothingness; and this justice is well worth that of tribunals. If they arm themselves against their oppressors for their own safety, how should they be bound to adopt a method of punishing them which would be a new danger to them?

We have allowed ourselves to be misled by foreign

examples which have nothing in common with us. Since Cromwell caused Charles I to be judged by a tribunal which he controlled; since Elizabeth had Mary of Scotland condemned in the same way, it is natural that tyrants who are sacrificing their equals, not to the people, but to their own ambition, should try to deceive the opinion of the common crowd by illusive forms. It is neither a question of principles, nor of liberty, but of trickery and intrigue; but the people! What other law can they follow but justice and right supported by their omnipotence?

In what republic has the necessity of punishing the tyrant been litigious? Was Tarquin called to judgment? What would have been said in Rome if the Romans had dared to declare themselves their own defenders? What are we doing? We are calling everywhere for advocates to plead the cause of Louis XVI.

We sanction as legitimate acts those which among all free people would have been regarded as the greatest of crimes. We ourselves invite the citizens to baseness and corruption. Some day we shall be able to award to Louis's defenders civic crowns; because if they defend his cause they can hope to make it triumph; otherwise you would give to the universe only a ridiculous comedy. And we dare speak of a republic! We invoke forms because we have no principles; we take pride in our delicacy because we lack energy; we display a false humanity because the sentiment of true humanity is a stranger to us; we revere the shade of a king because we are without bowels of mercy for the oppressed.

The trial of Louis XVI? What is this trial, if it is not the call of insurrection to a tribunal or to some assembly? When a king has been annihilated by the people, who has

the right to resuscitate him in order to make a new pretext for trouble and rebellion? And what other effects can this system produce? By opening an arena to the champions of Louis XVI you resuscitate all the quarrels of despotism with liberty; you sanction the right to blaspheme against the Republic and against the people, because the right to defend the former despot conveys the right to say everything favorable to his cause. You arouse all the factions; you revive, you encourage dormant royalism. One could freely take part for or against it. What more legitimate, what more natural than to repeat everywhere the maxims that his defenders would be able to profess loudly at your bar and even in your tribune? What a Republic it is, the founders of which arouse adversaries on every side to attack it in its cradle!

It is a great cause, you say, which must be judged with wise and slow circumspection. It is you who make a great cause of it. What do I say? It is you who make a cause of it. What do you find great in it? Is it the difficulty? No. Is it the person? In the eyes of liberty there is none more vile; in the eyes of humanity there is none more guilty. He can impose again only on those who are more dastardly than himself. Is it the utility of the result? That is another reason for hastening it. A great cause is a project of popular law; a great cause is that of an unfortunate oppressed by despotism. What is the motive of these everlasting delays which you recommend to us? Are you afraid of wounding the opinion of the people? As if the people themselves feared anything but the weakness or ambition of their proxies! As if the people were a vile troop of slaves, stupidly attached to the stupid tyrant whom they have proscribed, desiring at whatever price to wallow in baseness and

in servitude! You speak of opinion; is it not for you to direct it, to fortify it? If it goes astray, if it is depraved, who must be blamed if not you yourselves? Are you afraid of displeasing the foreign kings leagued against us? Oh! without doubt, the way to conquer them is to appear to fear them: the way to confound the criminal conspiracy of the despots of Europe is to respect their accomplice. Are you afraid of foreign peoples? Then you still believe in the innate love of tyranny. Why then do you aspire to the glory of emancipating the human race? By what contradiction do you suppose that the nations which have not been astonished by the proclamation of the rights of humanity will be dismayed at the chastisement of one of its most cruel oppressors? Finally you fear, they say, the opinion of posterity. Yes, posterity will be astonished indeed at your in consequence and your weakness; and our descendants will laugh both at the presumption and the prejudices of their fathers. It has been said that it takes genius to get to the bottom of this question. I maintain that it takes only good faith: it is much less a matter of enlightening one's self than of not voluntarily blinding one's self. Why does a thing which seems clear to us at one time seem obscure at another? Why does that which the good sense of the people decides easily change for its delegates to an almost unsolvable problem? Have we the right to have a general will and a different wisdom from universal reason?

I have heard the defenders of inviolability advance a bold principle which I should have almost hesitated to express myself. They said that those who would have slain Louis XVI the tenth of August would have done a virtuous action. But the only basis of this opinion can be nothing but the crimes of Louis XVI and the rights of the people.

But has an interval of three months changed his crimes or the rights of the people? If then he was snatched away from public indignation it was without doubt solely that his punishment, solemnly ordered by the National Convention in the name of the nation, should be more imposing to the enemies of humanity; but to bring up the question whether he is guilty or whether he can be punished is to betray the faith given to the French people. There are perhaps some who, either to hinder the Assembly from taking a character worthy of it, or to take away from the nations an example which would elevate souls to the height of republican principles, or through still more shameful motives, would not be sorry if a private hand filled the functions of national justice. Citizens, beware of this trap; whoever will dare to give such advice will only serve the enemies of the people. Whatever happens, Louis's punishment is henceforth good only as it bears the solemn character of a public vengeance.

Of what importance to the people is the despicable individual of the last of the kings? Representatives, what is important to them, what is important to yourselves, is that you fulfill the duties which their confidence has imposed upon you. You have proclaimed the Republic, but have you given it to us? We have not yet made a single law which justifies that name; we have not yet reformed a single abuse of despotism. Take away the name, we have still tyranny entirely; and, moreover, factions more vile and charlatans more immoral, with new fermentations of troubles and civil war. The Republic! And Louis still lives! And you place the person of the king again between us and liberty! On account of scruples let us fear to make criminals of ourselves; let us fear that by showing too much

indulgence for the guilty we may place ourselves in his place.

A new difficulty! To what punishment shall we condemn Louis? The punishment of death is too cruel. No, says another, life is more cruel still. I ask that he may live. Advocates of the king, is it through pity or cruelty that you wish to keep him from the penalty of his crimes? As for me, I abhor the penalty of death lavished by your laws, and I have neither love nor hatred for Louis. I hate only his crimes. I have asked the Assembly, which you still call Constituent, for the abolition of the death penalty, and it is not my fault if the first principles of right seem to it moral and political heresies. But if you never took it upon yourselves to demand them in favor of so many unfortunates whose offences are less their own than those of the government, by what chance do you remember them only to plead the cause of the greatest of all criminals? You ask an exception to the death penalty for him alone who can make it legitimate! Yes, the penalty of death generally is a crime, and for that reason alone, after the indestructible principles of nature, can be justified only in cases when it is necessary for the safety of individuals or the social body. Moreover, public safety never provokes it against ordinary offences, because society can always guard against them by other means and make the offender powerless to harm it. But a dethroned king in the bosom of a revolution which is nothing less than cemented by laws, a king whose name alone draws the scourge of war on the agitated nation, neither prison nor exile can render his existence indifferent to public happiness; and this cruel exception to ordinary laws which justice allows can only be imputed to the nature of his crimes.