


CONSTANT

ENRI BENJAMIN CONSTANT DE REBECQUE, French politician, orator, and writer, was born at Lausanne, Switzerland, Oct. 25, 1767, and died at Paris, Dec. 8, 1830. As the protégé of Mme. de Staël, he settled in 1795 in Paris, and soon took a conspicuous part in the politics of the day. He was a member of the Tribunate from 1799 until 1802. Banished by Napoleon, he returned, on the restoration of the Bourbon monarchy, and, remaining in Paris during the Hundred Days, took office under the Emperor. Upon the second restoration of the Bourbons he was compelled to go into exile, though he was permitted to return in 1816, when he was elected to the Chamber of Deputies, and continued to hold a seat in that body until 1830. Constant translated Schiller's "Wallenstein" into French, published a work on "Religion Considered in Its Source, Forms, and Developments," from the rationalistic point of view, and wrote and argued in favor of constitutional liberty.

FREE SPEECH NECESSARY FOR GOOD GOVERNMENT

CHAMBER OF DEPUTIES, PARIS, MARCH 23, 1820, AGAINST RESTRICTING THE LIBERTY OF THE PRESS

I WOULD ask the minister if he has reflected on the inevitable consequences incident to the suspension, temporary or otherwise, of the free circulation of our newspapers. It may render him ignorant of all that is passing in the cliques of parasites and flatterers at court. All governments, whether liberal or despotic (you see I eschew the words "foreign to the interests or rights of the people"), must rely for security on some means of knowing what is transpiring in the State. Even in Turkey the viziers are sometimes irritated at being deceived by their pachas as to the situation of the provinces, and perhaps much may be attributed to the inexact knowledge a neighbor prince had

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of the dispositions of his garrisons when he saw them declare against him. Now, gentlemen, I assert it as a fact, that in suspending the free circulation of newspapers, the government condemns itself to know nothing, except from the advices of its salaried servants; that it to say, it will never know more than half the facts, and frequently it will believe the opposite of the true conditions. To prove this truth I shall not resort to reasoning. Reasoning is too near liberty to need to be availed of. I shall invoke only a few facts, because facts are always the same. As we have seen, the chartered rights of the people may be demolished, but the facts remain impregnable.

Well, then, gentlemen, will you remember the occurrence in Lyons in June, 1817? France was then under the exceptional laws under which you had placed her. Individual liberty was then, as it again will be, at the mercy of a ministry, and the censor made of journalism what you will do here in a week, if you adopt this proposed law.

What was the result then, gentlemen? A real or a sham conspiracy resulted. The severest measures were taken. Many men were put to death, and for a long time persecution was a political method. Well! All this was done and the government did not know just what it was agitating for. The government saw its error itself, for after all these executions had taken place, when, as a result, the conditions were irreparable, a marshal of France was sent to the field of these bloody severities to enlighten the Ministry on the true state of things. In the meanwhile, they incarcerated, judged, condemned, executed, and all without knowing wherefore; for had it not been felt necessary to inform them, the tardy mission of M. le Maréchal Marmount would not have been thought necessary. I shall not enter into

this lugubrious history, nor judge between those who affirm or deny their authority in the conspiracy. Who is right or wrong—this has no bearing on what I would prove. What is important is that for months the government was in ignorance of the facts and they had to send a personal messenger to report eye-witness on which they could depend.

But, gentlemen, it might have been otherwise. If in the Department of the Rhone there had been a single liberal journal, this journal—Jacobin, revolutionary, or whatever you would call it—might present things from a different point of view from the local authorities. The government might hear the two sides. It should not commence by striking without reason, afterward to send to find if it had any cause for striking.

I may be mistaken, but I think this side of the question has never been indicated, and that it is worth examination. In suspending the free circulation of newspapers, the Ministry announce that they desire to hear or learn nothing save by their own agents—that is to say if their agents are by imprudence, by any personal motives or passions, on a false route, they will learn from them only that which they think plausible to place their merit in evidence or to assure their justification. Is this to the interest of government? I ask the Ministry to reflect. If at all times I treat this only from the standpoint of the interest of the Ministry, it is because I would address them words they would hear. If it concerned them alone, I need not speak. All authority brings with it the penalties of its responsibilities, its vexations, and false measures; nothing can be more just, and what the result would be to the Ministry is to me indifferent.

But as the example at Lyons has shown us, the people resent this, and I would save the poor people a part of the

sufferings toward which this new régime is inevitably conducting us. I call this a new régime, because it is different from what the charter had commenced to introduce in France. But I might as well and more justly call it the old régime, for it is the old régime which we are reconstructing piece by piece; *lettres de cachet*, censures, oligarchic elections—these are the bases of the edifice! The columns and the capitals will come later! I ask the Ministry if they intend to govern France without knowing her. Will they adopt measures depending on events of which they are informed only by men whose interests are presumably to disguise them; to commit thus without profit to themselves much injustice which they can never repair? If this be their intent, the suspension of the liberty of the press is a sure method of its fulfilment. But if they find that the French people value the right of being heard before being condemned, and that twenty-eight million citizens should not be struck upon uncertain and possibly false reports, then the journals must be left free in their field of labor. Whatever the result, I am happy to have thus put the question. France will know if this be refused how much importance the Ministry attach to her requests by the lightness with which they treat them. I ask if they will do me the honor to reply, that they refute the example cited in the case of Lyons and not lose themselves in vague declamations in reply to the citation of a precise case.

Let us pass to another subject on which two words of explanation will be useful. To suspend the free circulation of the press is to place the newspapers in the hands of a minister, and to authorize the insertion in them of what he pleases.

Have you forgotten, gentlemen, what occurred when a

law, similar to the one you would resurrect, gave to a cabinet minister this power? I would not speak of the elections. I should be ashamed to recapitulate facts so well known. It were idle almost to tell the damage caused, for in three successive elections the minister discredited the official articles attacking the candidates. He only contributed to their election. On my part, I owe him gratitude in this respect and I pardon his intentions for their favorable results

The facts I want you to consider are much more important. You will probably remember that in the summer of the year 1818 several individuals who had filled responsible functions were arrested because they were suspected of conspiracy. I am not called on to explain or to defend these individuals. Their innocence or their guilt has nothing to do with this matter. They were detained; they were ironed; they had yet to be judged; and as they were to be exposed to the rigors of justice, they had a rightful claim on its safeguards. General Canuel was among the number. Well, gentlemen, while General Canuel was incarcerated, what did the minister do? He selected a journal of which the editors were friendly to the inculpated, and in it inserted the most damaging articles, and as they related to a man who was untried and unconvicted, I call them the most infamous. These articles circulated throughout France, and he against whom they had been directed had not the power to respond with a line. Do you find in this ministerial usage of the press anything, delicate, loyal, legitimate? It is this slavish use of the press they would solicit you to enact anew.

This condition can never be renewed. The constituency of our present Ministry is a guarantee against it.

By a law against universal liberty, you place the rights of all citizens at the discretion of a ministry. By suspending the freedom of the press, you will place at their mercy all reputations. I shall not stop to examine the promises of the Minister of the Interior on this anodyne measure, which is to "stop personalities," to "encourage enlightenment," and to "leave writers free." What opinion have the censors?

Censors are to thought what spies are to innocence; they both find their gains in guilt, and where it does not exist they create it. Censors class themselves as lettered. Producing nothing themselves, they are always in the humor of their sterility. No writer who respects himself would consent to be a censor. The title of royal censor was almost a reproach under the ancient régime. Has it been rehabilitated under the imperial censorship? These men will bring into the monarchy all the traditions of the empire. They will treat the liberty of the press as they do the administration, and we shall be marching under the guidance of the errors of Bonaparte, without the prestige of his imperial glory and the quiet of its unity.

ON THE DISSOLUTION OF THE CHAMBER OF DEPUTIES

IT IS said that the dissolution of the Chamber of Deputies has at length been resolved upon. I congratulate France upon it. An opportunity is offered to her to pronounce herself upon her destiny. If henceforth she is not free, she may thank herself for her slavery. She will have spontaneously sanctioned it; she will have given herself up to it of her own free will; and, whatever may be the yoke imposed upon her, she will have no right to complain.

No doubt the career which the determination of the government will present to her will be beset with many difficulties and probably strewed with some snares.

Opinion, which, when a popular election is the subject, ought, more than in any other circumstances, to enjoy an entire independence, has no means of making itself known, no organ to announce itself.

The persons of all the citizens are by law at the mercy of ministers. I do not inquire if the ministers abuse this power: they possess it, and that is sufficient for all liberty to be suspended. This not all: private correspondence, the object of respect in all free nations, has been seen taken by force from the legitimate possessors. Agents without legal authority have been seen penetrating the sanctuary of their domicile. The police has been seen giving orders and instructions to agents which it has disavowed, and after having assumed the place of justice for its acts, has shielded itself behind justice for impunity.

Thus, by the very confession of the ministry, it is under the empire of a dictatorship that they make an appearance of consulting France. It is a gagged people whom they invite to give their opinion. Censors, such as never existed under any revolutionary or despotic government; censors who, strange to say, are not anonymous, have, with the certainty of being discovered, the incredible presumption to alter the authentic papers delivered to them. They suppress not only opinions, but facts; they command imposture, sanction attack, interdict defence, authorize calumnies, forbid refutations, permit the institutions which France and the monarch have sworn to defend to be insulted before their faces, and, under their written authority, deputies who are faithful to them to be insulted, and, as though they were desirous of a fresh in-

vasion, denouncing to Europe the immense majority of the French.

In such a state of things it is evident that the nation, which ought to exercise by means of its electors the right of suffrage, will have—in order to understand itself and to act in concert and give its votes to those candidates who will not deceive their hopes—many obstacles to surmount; but a nation worthy of liberty surmounts every obstacle. No one can be compelled to inscribe on his bulletin the names he rejects. There would therefore be cowardice in condescending, though it should even be alleged that there had been tyranny or artifice in the pretension.

In another respect the existing obstructions have this advantage, that they will serve us at length to judge of the intention of ministers without going further. It is a trial they are about to undergo. If they wish the elections to be the expression of the popular opinion, let them break the chains which bind the electors. Let them give back to the citizens their guarantees, to the papers their independence, to opinion the means of expressing itself. Let them recollect that in Rome no armed forces approached the Comitæ, and that in England the place of an election is protected, as a sanctuary, from the agency of power. If they refuse to follow this noble example it is because their intentions are contrary to their professions. It is not to the rights of all they pay respect; it is to the exclusion of some they aspire.

This exclusion is in fact the avowed object of the faction whose orders they appear for some time to have received. "It would be advantageous," say the papers of this faction, "to do away, by a complete renewal of the Chamber, these speaking-trumpets, these telegraphs, who make speeches and, from the national tribune, transmit signals to the agitators."

Thus we find what is desired is to drive from the tribune all those who warn France of the danger her liberties are in; and if there is any hesitation in risking a bold and free measure it is because the expulsion of these importunate orators does not appear to be sufficiently certain.

Humiliating confession, in a faction which pretends to govern us! It can predominate neither by its talents nor by the efforts of its creatures. In order that it may be heard, every other voice must be silent. In order to persuade, it must speak alone. In order that what it writes may be read, the press must be its monopoly, and no one must write but those in their pay. This is not the way that men of any worth govern; they respect their adversaries whilst they contend with them; they have not that dead conscience which applauds itself for reigning in the void, which feels that its power is negative, which can only shine in the absence of everything that is not servile and base, to which every struggle is a defeat, and which, in order to conquer its rivals, is obliged to drive them away or proscribe them. France, a country of so much talent and so much glory, into what degradation do these men plunge you! to what excess do they make you fall! Never did England, which is fallen much, see this jealous fury of an ambitious inferiority. Never did Mr. Pitt have recourse to such ignoble resources in the removal of Mr. Fox; and the weak and inconsiderate ministry of the Graftons and the Butes endeavored to answer, not to impose silence on Junius.

Will our ministry lend itself to the invidious meannesses of this faction? There is some cause to fear so. There is already perceptible in its preliminary operations many an effort to evade or counteract the votes; many obstacles presented to the approach of independent electors, many diversi-

fied chicaneries in the different departments. How many threats to the government servants! What threatenings of dismissal to the functionaries, without reckoning the more memorable dismissals which have proved that neither virtue, integrity, nor fidelity to the king could expiate a resistance to ministers, zealous persecutors, indifferent colleagues, and faithless friends!

Let us not, however, pronounce upon them an irrevocable sentence. Seeing what they have done we are inclined to be severe. But let us consider what a noisy faction dares to ask of them or even proscribe them from doing. We shall, perhaps, be inclined to show some indulgence. They say they are surrounded with danger: it may be they think so. If they were reanimated would they be less weak? Would they in fact yield to that inclination, natural to mankind, of existing by themselves, and not being the sport of a foreign and disdainful power? The chance exists; let us then examine the picture which is drawn, or which they give us of France. Let us admit that their terrors are sincere, and let us examine together if they are well founded.

“A violent agitation,” they tell us, “torments France; here a party meditates the overthrow of the monarchy; further on, conspiracies of divers elements are engendering, but united for destruction. We are threatened with anarchy, military despotism seconds it, in order to stifle it after the victory; invisible associations and Direction committees pervert the representative government up to its very source.” . . .

Our social organization, our laws relative to industry and property, distinct from your efforts to elude and paralyze their effects, are so admirable that everybody in France,