

it—but that is not what is desired I suppose. This point elucidated, all ambiguity dissipated regarding the real meaning of the phrase “respect due to the laws,” I enter into the very heart of the question.

Gentlemen of the jury, there is in what might be called the ancient European code, a law which for more than a century all philosophers, all thinkers, all real statesmen have wished to erase from the time-honored book of universal law, a law that Beccaria has declared unrighteous, and that Franklin has declared abominable, without a suit having been brought against either; a law which, bearing particularly upon that portion of the people borne down by poverty and ignorance, is odious to the democracy, but which is not less repellant to intelligent conservatives; a law of which the king, Louis Philippe (whom I never mention save with the respect due to old age, to misfortune, and to a grave in exile), of which Louis Philippe said, “I have detested it all my life”; a law against which M. Broglie has written, a law against which M. Guizot has written; a law whose abrogation was demanded by the chamber of deputies twenty years ago in the month of October, 1830, and which at the same time the parliament of half-civilized Otaheite erased from its statutes; a law which the assembly of Frankfort abolished three years since, and which the constitutional assembly of the Roman Republic two years ago, upon nearly the same day, declared abolished forever upon the motion of Deputy Charles Bonaparte, a law which our assembly of 1848 has maintained only with the most painful indecision and the most intense repugnance; a law for whose abolition there are, at this very hour, two motions before the legislative tribunal; a law, finally, which Tuscany will have no longer, which Rome will have no longer, and which it is time that France should no longer tolerate,—

this law before which the moral sense of the community recoils with ever-increasing misgiving—this law is the death penalty.

Gentlemen, it is this law which is to-day the cause of this suit; it is our adversary. I am sorry for the attorney-general, but I see it behind him.

Very well then, I will admit that for twenty years I have believed, as I have stated in pages that I could read to you, I have believed with M. Léon Fancher, who in 1836 wrote in an article in the “Revue de Paris” thus: “The scaffold no longer appears upon our public squares save at rare intervals, and as a spectacle that justice has shame in giving.” I believed, I say, that the guillotine, since one must call it by name, began to understand itself, that it felt itself rebuked and made its decision to abandon the full glare of the Place de Grève with its crowds to be no longer cried in the streets and announced as a spectacle. It began to carry on its operations in the most inconspicuous way possible in the obscurity of the Barrière Saint Jacques, in a deserted spot and without spectators. Apparently it began to hide its head, and I congratulated it on this modesty. Well, gentlemen! I deceived myself, M. Léon Fancher deceived himself. The guillotine has recovered from its false shame. It considers itself, in the parlance of the day, a social institution; and who knows, perhaps, even it dreams of its restoration.

The Barrière Saint Jacques marks its decadence. Perhaps some day we shall see it reappear in the Place de Grève at noonday in presence of the multitude, with its train of executioners, of armed police, of public criers, even under the windows of the Hotel de Ville, from whose heights it was one day, the 24th of February, denounced and disfigured. Meantime it rears itself again. It feels it necessary that

society now so unsettled, in order to become re-established, should return, as is still said, to all its ancient traditions, and it is an ancient tradition. It protests against those bombastic demagogues, called Beccaria, Vico, Filangieri, Montesquieu, Turgot, Franklin, called Louis Philippe, called Broglie and Guizot, who dare believe and say that a machine for the cutting off of heads is not needed in a community which has the Gospel for its guide. Its indignation is roused against these utopian anarchists! and on the morrow of its days the most glaring and the most sanguinary, it desires to be admired! It insists that respect be rendered it, else it declares itself insulted, it brings suit and demands damages! It has had the blood, but that is not enough, it is not content, it desires also fine and imprisonment.

Gentlemen of the jury, the day when this official paper was brought to my house for my son, the warrant for this unjustifiable suit—we see strange things in these days and ought to become accustomed to them—well, I avow it, I was stupefied; I said to myself, What! Have we come to that? Is it possible that by force of repeated encroachments upon good sense, upon reason, upon freedom of thought, upon natural rights we have come to that, where not the material respect is demanded of us,—that is not denied, we accord it,—but the moral respect for those penal laws that affright the conscience, that cause whoever thinks of them to grow pale, that religion has in abhorrence, that dare to be without repeal, knowing that they can be blind; for those laws that dip the finger in human blood to write the commandment “Thou shalt not kill,” for those impious laws that make one lose one’s faith in humanity when they strike the culpable, and that cause one to doubt God when they smite the innocent. No, no, no, we have not come to that,—No!

Since, and for the reason that I am involved, it is well to tell you, gentlemen of the jury, and you will understand how profound must be my emotion, that the real culprit in this affair, if culprit there be, is not my son, it is I! The person really guilty, I insist, is myself. I who for twenty-five years have combatted with all my force laws from which there was no appeal! I who for twenty-five years have defended on every occasion the sanctity of human life, and this crime I, long before and more often than my son, have committed. I denounce myself! I have committed this crime with every aggravating circumstance, with premeditation, with pertinacity, and without its being a first offence. Yes, I declare it, this old and unwise law of retaliation, this law which requires blood for blood, I have combatted it all my life—all my life, gentlemen of the jury, and as long as I have breath I will combat it, with all my efforts as writer I will combat it and with all my acts and all my votes as legislator; I declare it [here M. Hugo extended his arm toward the crucifix at the end of the hall over the judge’s seat] before that victim of the death penalty who is there, who sees us and who hears us! I swear it before that cross where, two thousand years ago, as an everlasting testimony for generations to come, human law nailed the Law Divine.

That which my son has written he has written, I repeat, because it is I who have animated him from his childhood, because he is not only my son according to the flesh, but according to the spirit, because he desires to perpetuate the opinion of his father. Perpetuate the opinion of his father! Truly a strange crime and for which I marvel that one should be prosecuted! It was reserved for these unique upholders of the family to show us this novelty.

Gentlemen, I admit that the accusation before us astounds

me. What! A law that may be baleful, that may give to the populace exhibitions immoral, dangerous, degrading, barbarous; that will tend to make the people cruel and at certain times will have appalling effects, and to point out the direful results of this law will be forbidden! And to do this will be called lack of respect for it! And one will be held accountable before the courts! And then will be so much fine and so much imprisonment! Why then, very well! Let us close the chamber of deputies, let us close the schools, let us call our land Mongolia or Thibet, we are no longer a civilized nation! Yes, it will be more easily done, let us say we are in Asia, let us say that there was formerly a country called France but that it no longer exists, and that it has been replaced by something which is no longer a monarchy, I confess, but which certainly is not a republic. Let us see, let us apply the facts, let us get at the real meaning of the phraseology of the accusation.

Gentlemen of the jury, in Spain the inquisition was the law! Well, it must be admitted that there was a lack of respect for the inquisition! In France the rack has been the law! It must be said again that there has been a lack of respect for the rack. To cut off the hands has been the law—there has been a lack of respect—I have lacked in respect—for the axe. To brand has been the law; there has been a lack of respect for the red-hot iron. The guillotine is the law! Well, it is true, I admit it, there is a lack of respect for the guillotine. Do you know why, Monsieur the Attorney-General? It is because of the general desire to hurl the guillotine into that gulf of execration where have already fallen, amid the applause of the human race, the branding iron, the axe, the rack, and the inquisition. It is because of the desire to expel from the august and enlightened sanctuary of jus-

tice that sinister figure which suffices to fill it with horror and gloom—the executioner. Ah! and it is because we desire this that we are social agitators! Yes, it is true we are dangerous men; we wish to suppress the guillotine. It is monstrous!

Gentlemen of the jury, you are the sovereign citizens of a free country, and without changing the nature of this discussion one can, one must speak to you as politicians. Well, then, reflect, and since we are passing through a season of revolution, draw conclusions from what I am about to say to you. If Louis XVI had abolished the death penalty as he had abolished the rack, his head would not have fallen; '93 would have been freed from the headsman's axe; there would have been one bloody page the less in history; that mournful date, the 21st of January, would not exist. Who, then, in the face of the public conscience, in the face of France, in the face of the civilized world, would have dared raise the scaffold for the king, for the man of whom one could say, "It is he who has overthrown it!" The editor of the "Événement" is accused of having failed in respect toward the laws; of having failed in respect to capital punishment.

Gentlemen, let us rise a little above mere controversy, let us rise to what forms the basis of all legislation, to the conscience of man. When Servan—who was nevertheless attorney-general—when Servan imprinted upon the criminal laws of his time this memorable stigma, "Our penal laws open every egress to the accuser, and close almost all to the accused;" when Voltaire thus designated the judges of Calais, "Do not talk to me of those judges—half monkeys and half tigers;" when Chateaubriand in the "Conservateur" called the law of the double vote "stupid and culpable;"

when Royer-Collard in full session of the Chamber of Deputies, *apropos* of I do not remember what law of censure, hurled out the famous cry, "If you make this law I swear to disobey it,"—when these legislators, when these magistrates, when these philosophers, when these great souls, when these men, some illustrious, and some venerable, spoke thus, what were they doing? Did they lack respect for a law local and temporary? It is possible; the attorney-general asserts it. I do not know; but that which I do know is that they were holy echoes of the law of laws, of universal conscience. Did they offend against justice, the justice of their time, justice transitory and fallible? I do not know, but I know that they proclaimed justice eternal. It is true that one has had the grace to tell us, even in the bosom of the National Assembly, that the atheist Voltaire, the immoral Molière, the obscene La Fontaine, the demagogue Jean Jacques Rousseau, should be indicted. There you see what is thought! There you see what is avowed! There is where we stand!

Gentlemen of the jury, this right to criticise the law, to criticise it even with severity, particularly penal law, that can so easily take on the impress of barbarism, this right of criticism that stands side by side with the duty of amelioration, as a torch to guide a workman, this right of author not less sacred than the right of legislator, this imperative right, this inalienable right, you will recognize in your verdict,—you will acquit the accused. But the counsel for the prosecution, and this is his second argument, asserts that the criticism of the "Événement" went too far, was too scathing. Ah, gentlemen of the jury, let us bring near the event which was the cause of the pretended crime with which one has had the hardihood to charge the editor of the "Événement," let us regard it at short range. Here is a man, condemned,

wretched, who is dragged on a certain morning into one of our squares—there he finds a scaffold. He rebels, he pleads, he will not die; he is still young, hardly twenty-nine years old—great heavens! I know what you will say—"He is an assassin!" But listen! Two executioners seize him; his hands are bound, his feet fettered, still he pushes them back. A horrible struggle ensues. He twists his feet in the ladder, and uses the scaffold against the scaffold. The struggle is prolonged, horror takes possession of the crowd. The executioners, the sweat of shame on their brows, pale, breathless, terrified, desperate with I know not what terrible despair—borne down by the weight of public reprobation that must confine itself to condemnation of the death penalty, but that would do wrong in harming its passive instrument—the headsmen—the executioners make savage efforts. Force must remain with the law, that is the maxim! The man clings to the scaffold and demands mercy; his clothing is torn away, his bare shoulders are bloody, he resists all the while. At last, after three quarters of an hour—[here the attorney-general makes a sign of negation] the minutes are disputed, thirty-five minutes, if you prefer—of this awful contest, of this spectacle without a name, of this agony, agony for every one,—do you realize it?—agony for those present as well as for the condemned; after this age of anguish, gentlemen of the jury, the poor wretch is carried back to prison. The people breathe again; the people who have the humane feelings of earlier times, and who are merciful, knowing themselves to be sovereign—the people believe him to be saved. Not at all. The guillotine is vanquished, but still rears itself; it remains standing throughout the day in the midst of a population filled with consternation. At night the executioners, reinforced in number, bind the man in such fashion that

he is no longer anything save an inert mass, and again transport him to the square, weeping, screaming, haggard, bleeding, begging for life, calling upon God, calling upon his father and his mother, because in the face of death this man is again a child. He is hoisted upon the scaffold—and his head falls! And then a murmur of abhorrence is heard from the crowd; never has legal murder appeared more presumptuous or more accursed; every one feels, so to speak, jointly responsible for the tragic deed just done; every one feels in his inmost soul as if he had seen in the very midst of France, in broad day, civilization insulted by barbarism! Then it is that a cry breaks forth from the breast of a young man, from his heart, from his soul, from the very depths of his being, a cry of pity, a cry of anguish, a cry of horror; and for this cry you will punish him! And, in presence of these frightful facts that I have brought under your notice, you will say to the guillotine, "Thou art right!" and will say to compassion, to holy compassion, "Thou art wrong!"

Monsieur the Attorney-General, I tell you without bitterness that you are not defending a righteous cause. It is in vain! You are engaging in an unequal contest with the spirit of civilization, with milder manners, with progress. You have against you the resistance of the inmost heart of man; you have against you all the principles in the light of which for sixty years France has walked and also caused the world to walk—the inviolability of human life, the brotherhood of the ignorant classes, and the doctrine of amelioration in place of the doctrine of retaliation.

You have against you all that illuminates reason, all that vibrates in the soul, philosophy as well as religion; on the one side Voltaire, on the other Jesus Christ. Your labor is in vain, this frightful service that the scaffold has the preten-

sion to render society, society abhors and rejects. Your labor is in vain, the upholders of capital punishment labor in vain, and you see we do not confound them with society, it is useless for them, they will never take away the guilt of the old law of retaliation. They will never wash away those hideous words upon which for so many centuries has trickled down the blood from heads severed by the executioner's knife.

Gentlemen, I have done!

My son, you are to-day in receipt of a great honor, you have been adjudged worthy to contend, perhaps to suffer, for the holy cause of truth. From to-day you enter into the real vital life of our time, that is to say, the struggle for justice and truth. Be proud, you who are but a common soldier of humanity and democracy, you are sitting where Béranger has been seated, where Lamennais has sat.

Remain immovable in your convictions, and, though it were to be my last word, if you have need of a thought to strengthen your faith in progress, your belief in the future, your devotion to humanity, your execration of the scaffold, your loathing for all penalties irrevocable and irreparable, remember that before this very bar Lesurques also was arraigned.

[Specially translated by Mary Emerson Adams.]