

As to 'inviolability' only a weak and narrow
in Louis XVI only a weak and narrow
his kind, given, as it is said, to frequent excesses of drunkenness — a man
whom the National Assembly imprudently raised again on a throne for
which he was not made — he is shown hereafter some compassion, it shall
be the result of the national magnanimity, and not the burlesque notion of
a pretended 'inviolability'.

5. ROBESPIERRE

3 December 1792

Maximilien Robespierre, deputy for Paris, first among the Montagnards, here repeats the argument of Saint-Just and lends it the authority of an established political leader. Probably the two had consulted earlier, for in mid-November Robespierre was already advising his constituents that it was the law of nations and not the criminal code of France that applied to kings. But he had said nothing at the Jacobin club or before the Convention until this date. Perhaps he felt inhibited by the strong stand he had taken in the Constituent Assembly against the death penalty. In any case, from now on he took a more active part. On 4 December, he proposed again that Louis be condemned to death immediately, without a trial of any sort. What was necessary, he argued, was that Louis be judged, not that he have '*un procès en forme*'. But the Convention refused to take this course, and two days later it adopted a decree, drafted by the deputy Quinnet and consistent with the Maihle report, establishing a procedure which at least partially followed that of a normal courtroom.

But though he did not carry the Convention, one senses in this speech Robespierre's peculiar power. 'He will go far', Mirabeau had said of him, 'because he believes everything he says.' His speeches have something of the tone of sermons;

they are exhortations to republican virtue, denunciations of monarchic vice. When he voted for death in January, Robespierre repeated his central theme. 'I know only one way to conquer [tyranny]: it is to raise the French character to the heights of republican principles. . .'. What is sadly unclear, however, is that he had any more faith in ordinary Frenchmen than a Calvinist preacher in fallen humanity.

Citizens, the Assembly has unwittingly been brought far from the true question. There is not trial to be conducted here. Louis is not an accused man. You are not judges. You are, and you can only be, statesmen and representatives of the nation. You do not have a verdict to give for or against a man, but a measure to take for the public safety, a precautionary act to execute for the nation. A deposed king in a Republic is good only for two things: either to trouble the tranquillity of the state and to undermine liberty, or to strengthen both. And I maintain that the character of the deliberations hitherto goes directly against this latter aim. In fact, what course of action is wanted to unite the new-born Republic? Is it not to engrave on the hearts of all eternal contempt for royalty, and to strike dumb all the partisans of the king? Thus, presenting his crime to the world as a problem, his case as the subject of the most serious discussion, the most religious and the most difficult which might occupy the representatives of the French people, placing an immeasurable distance between even the memory of what he was and the dignity of a citizen — therein lies the secret of making him once more dangerous to liberty.

Louis was king, and the Republic is founded. The great question with which you are occupied is settled by this argument: Louis has been deposed by his crimes. Louis denounced the French people as rebels; to punish them he called upon the arms of his fellow tyrants. Victory and the people have decided that he alone was a rebel. Therefore, Louis cannot be judged; he has already been condemned, else the Republic is not cleared of guilt. To propose a trial for Louis XVI of any sort whatever is to step backward toward royal and constitutional despotism. Such a proposal is counter-revolutionary since it would bring the revolution itself before the court. In fact, if Louis could yet be tried, he might be found innocent. Do I say 'found'? he is presumed innocent until the verdict. If Louis is acquitted, where then is the revolution? If Louis is innocent, all defenders of liberty are slanderers. Rebels were friends of truth and defenders of oppressed innocence. All the proclamations of foreign powers were but legitimate responses to a faction which sought to rule. Even the imprisonment that Louis has suffered until now is an unjust vexation. The members of the Federation, the people of Paris, all the patriots of the French empire, are guilty, and this great trial

pending before the tribunal of nature between crime and virtue, between liberty and tyranny, is at last decided in favor of crime and tyranny.

Citizens, take care! You are deceived here by false notions. You confuse the rules of positive and civil law with those of the law of nations; you confuse the relations between citizens with those between nations and an enemy conspiring against them. You also confuse the condition of a people in the midst of a revolution with a people whose government is firmly established. You confuse a nation which punishes a public official while keeping its form of government with one which destroys the government itself. We apply ideas with which we are familiar to an extraordinary case dependent upon principles which we have never put into practice. Thus, since we have become accustomed to see the crimes which we witness judged by uniform rules, we quite naturally have come to believe that under no circumstances can nations with equity proceed summarily against someone who has violated their rights. And where we do not see a jury, a court, a trial, we can find no justice. These terms, applied to ideas they do not commonly express, finish the deception. Such is the natural force of habit that it causes us to regard the most arbitrary conventions, even the most defective institutions, as an absolute rule of true or false, of just or unjust. We do not once imagine that for the most part they must necessarily still spring from prejudices which despotism fostered within us. So bent were we beneath its yoke that we rise with difficulty to the eternal principles of reason; so that everything that aspires to the sacred source of all laws seems, in our eyes, to be tainted with illegality, and the very order of nature seems to us disorder. The majestic movements of a great people, the sublime force of virtue often seem to our eyes like the eruptions of a volcano or the end of civilized society. Certainly the contradiction between the weakness of our customs, the debasement of our spirits, and the purity of principles and energy of character presumed by the free government to which we dare aspire, is not the least cause of the troubles which agitate us.

When a nation has been forced to resort to its right of insurrection, it returns to the state of nature insofar as the tyrant is concerned. How could the tyrant invoke the social contract? he abolished it. The nation, if it deems proper, may preserve the contract still, as it concerns the relations between citizens; but the effect of tyranny and of insurrection is to break completely all bonds with the tyrant and to reestablish the state of war between tyrant and people. Tribunals and judiciary procedure are constituted only for the members of the polity.

It is too great a contradiction to suppose that the Constitution might

preside over this new order of things. That would be to suppose that it could outlive itself. What laws replace it? those of nature, which is the basis of society itself. The salvation of the people, the right to punish the tyrant, and the right to depose him are all the same thing. The methods of procedure are the same. The trial of a tyrant is the insurrection; his sentence is the end of his power; his punishment, whatever the liberty of the people demands.

A people does not judge as does a court of law. It does not hand down sentences, it hurls down thunderbolts; it does not condemn kings, it plunges them into the abyss; such justice is as compelling as the justice of courts. If the people armed themselves against their oppressors for their own safety, how could they be forced to imperil themselves once more in punishing those same oppressors?

We have permitted ourselves to be led into error by examples from foreign lands which have nothing in common with us. To judge Charles I, Cromwell availed himself of a judicial commission; Elizabeth had Mary of Scotland condemned in the same way. It is natural that tyrants who sacrifice their equals, not to the people, but to ambition, should seek to deceive common folk by illusory forms. Here the question is not one of principles or of liberty, but of schemes and of intrigue. As for the people, however, what other law can they follow than justice and reason supported by their unlimited power?

In what republic was the need to punish the tyrant a subject for the courts? Was Tarquin called before the bar? What could have been the reply in Rome, if a group of Romans had dared declare themselves his defenders? What do we do? We invite lawyers everywhere to plead the case of Louis XVI. We consecrate as legitimate, acts which among a free people would have been regarded as the greatest of crimes. We ourselves invite the citizens to meanness and corruption. One day we may well be able to award the defenders of Louis civic crowns, for if they defend his cause, they may hope to be victorious; else you would offer to the world but a ridiculous comedy. And we dare speak of a Republic! We invoke forms because we lack principles; we pride ourselves on our delicacy because we lack energy; we flaunt a false humanity because the sentiment of true humanity is alien to us; we revere the shadow of a king because we do not know how to respect the people; we are kind to oppressors because we lack feeling for the oppressed.

The trial of Louis XVI! but what is this trial if not an appeal from the insurrection to some tribunal or some assembly? When a king has been destroyed by the people, who has the right to revive him so as to create a

new pretext for riot and rebellion — and what other effects could such a system produce? By opening an arena to the champions of Louis XVI, you renew the dispute between despotism and liberty; you consecrate the right to blaspheme against the Republic and against the people. For the right to defend the former despot carries with it the right to say all that pertains to his cause. You reawaken all the factions; you animate and enliven a slumbering royalism. One could freely take a position for or against. What is more legitimate or more natural than to repeat everywhere the maxims which his defenders would be able to profess openly at the bar, and from your very rostrum? What manner of Republic is it, whose founders solicit everywhere its adversaries to attack it in its cradle? You see what rapid progress such a system has already made.

In the month of August last, all the partisans of the king were in hiding; whosoever had dared to undertake an apology for Louis XVI would have been punished as a traitor. Today, they raise their audacious heads without fear of punishment. Today, the most disparaged writers of the aristocracy once again confidently take up their envenomed pens or find successors who surpass them in shamelessness. Today, pamphlets which are the precursors of all crimes inundate the city in which you reside, the eighty-three departments, and make their way even to the portals of this sanctuary of liberty. Today, armed men who have come unbeknownst to you and in violation of the laws, have made the streets of this city echo with seditious cries demanding impunity for Louis XVI. Today, Paris encloses in its heart men gathered, you have been told, to snatch him from the justice of the nation. Now you need only open the walls to the athletes who eagerly court the honor of breaking their lances in the royalist cause. What do I say! Today, Louis has a share of the representatives of the people. Some speak for him, some against him. Two months past, who could have conceived that there would be a question whether he was inviolable or not? But from the time when a member of the National Convention presented this idea as a serious question, preliminary to all other debate, inviolability, with which the conspirators in the Constituent Assembly covered their first broken oaths, has been invoked to protect their final outrages.¹ O Crime, O Shame! The tribunal of the French nation has echoed with the panegyric of Louis XVI. We have heard boasts of the virtues and the good deeds of the tyrant. We were barely able to snatch from the injustice of a precipitous decision the honor or the liberty of our best citizens. Worse yet,

¹On 13 November, the Girondin leader Pétion, formerly mayor of Paris, had insisted that the first question before the Convention was still: *can* the king be judged?

we have seen the most atrocious slanders against those representatives of the people known for their zeal for liberty received with a joy scandalous to behold.¹ We have seen one part of this Assembly proscribed by the other almost as soon as it was denounced by folly and perversity combined. The cause of the tyrant alone is so sacred that it cannot be discussed long enough or freely enough. And why should this astonish us? The two parts of this phenomenon stem from the same cause. Those who are interested in Louis or his like must thirst for the blood of partiotic deputies who ask for the second time that he be punished. They can forgive only those who have softened in his favor. Was the plan to enslave the people while slaughtering their defenders at any moment abandoned? And all those who proscribe them today, calling them anarchists and agitators, are they not themselves bound to foment the disorder which their perfidious system promises? If we are to believe them, the trial will last for several months at least, continuing until the coming spring when we can expect a general attack from the despots. And what a chance for the conspirators! what food for intrigue and the aristocracy! Thus all the partisans of tyranny can still hope for aid from their allies; foreign armies can encourage the audacity of counter-revolutionaries while foreign gold tempts the fidelity of the tribunal which is to pronounce on the fate of Louis. What! All the savage hordes of despotism prepare themselves once again to tear at the entrails of France in the name of Louis XVI! Louis still wars against us from the depths of his prison cell; and some doubt if he is guilty and can be treated as an enemy! I should like to believe that the Republic is not a vain word employed to amuse us; yet what other means might they use to reëstablish monarchy?

The Constitution is invoked in his favor. I have no intention of repeating here all the unanswerable arguments brought forth by those who have deigned to combat that sort of objection.

On that subject I shall say but a word for those yet unconvinced. The Constitution forbade all that you have done. If the king could be punished only by deposition, you cannot sentence him to that without a formal judicial proceeding. You have no right to keep him imprisoned. He has the right to seek his release and an award of damages. The Constitution condemns you. Go, throw yourself at the feet of Louis XVI and plead for clemency.

As for me, I should blush to discuss such constitutional logic-chopping

¹At the first meetings of the Convention, Girondin deputies had launched a sharp attack against Marat, whom they accused of inciting violence and seeking a dictatorship: they undoubtedly hoped to catch Robespierre also.

The Speeches

more seriously. I relegate it to the schools, or the law courts, or better yet, to the closets of London, Vienna, and Berlin. I cannot treat further of a subject whose very deliberation, I am convinced, is scandalous.

It is a great case, they say, and must be judged circumspectly, slowly and wisely. It is you who make a great case of it, nay, it is you who make it a case. What do you find great in it? Is it the difficulty? No. Is it the person? In the eyes of liberty there is no one baser; in the eyes of humanity, there is no one more guilty. He can now deceive only those who are viler than he. Is it the utility of the result? That is but another reason for haste. A great case is a bill for the people, a great case is that of an unhappy man, oppressed by despotism. What is the motive of the endless details which you recommend to our attention? Do you fear to cross the opinion of the people? as though the people itself feared anything but the weakness or the ambition of its representatives; as if the people were a herd of slaves, stupidly attached to a stupid tyrant whom it had proscribed, wishing, whatever the price, to wallow in baseness and servitude. You speak of opinion. Is it not yours to direct, to fortify? If opinion errs, if it becomes depraved, whom shall we blame if not you yourselves? Do you not fear the foreign kings leagued against you? O without a doubt, the way to defeat them is to appear to fear them. The way to confound the despots of Europe is to respect their accomplice. Do you fear other peoples? Then you believe in an innate love of tyranny. Why then do you aspire to the glory of freeing the human race? By what contradiction can you suppose that the nations which were unsurprised by the proclamation of the Rights of Man will be struck with panic at the punishment of one of its most cruel oppressors? Finally, you fear, they say, the views of posterity. Yes, posterity will indeed be astonished, by our inconsequence and our weakness; and our descendants will laugh as much at the presumption as at the prejudices of their fathers.

Some say that it would require genius to plumb the depths of this question. I maintain that it requires good faith alone. It is less a matter of self-enlightenment than of avoiding self-deception. Why should what once seemed so clear now seem obscure? Why should that which the good sense of the people can easily decide be altered for the deputies into an almost insoluble problem? Do we have the right to have a will contrary to the general will and a wisdom which differs from universal reason?

I have heard the defenders of inviolability advance a bold principle, one which I myself should have hesitated to bring forward. They said that those who, on the tenth of August, would have sacrificed Louis XVI would have done a virtuous deed; but the only basis for this opinion is

to be found in the crimes of Louis XVI and in the rights of the people.¹ Now has the space of three months changed the crimes or the rights of the people? If then he was saved from an indignant people surely it was only so that his punishment, solemnly ordered by the National Convention in the name of the nation, might impress itself the more on the enemies of humanity. But to reopen the question whether he is guilty or susceptible of punishment is to betray the faith given the French nation. There are perhaps people who, either to prevent the Assembly from achieving a character worthy of it, or to take from the nations of the world an example even more shameful motives – there are people who would not be sorry to see a private hand usurp the functions of national justice. Citizens, beware of this trap. Whoever would dare give such counsel serves only the enemies of the people. Whatever may happen, the punishment of Louis XVI is good only in so far as it bears the solemn character of public vengeance.² Of what importance to the people is the contemptible person of him who was the last king?

Representatives, what is important to the people, what is important to you, is that you fulfill the duties with which the people have entrusted you. The Republic has been proclaimed, but have you given it to us? You have not yet passed a single law which justifies that name. You have not yet reformed a single abuse of despotism. Remove but the name and we have tyranny still; and moreover, viler factions, more immoral charlatans, new stirrings of disorder and civil war. The Republic! And Louis still lives! And you still place the person of the king between us and liberty! Let us beware turning criminal by force of scruple; let us beware that in showing too much indulgence for the guilty man we join him in his guilt.

A new difficulty: what shall the punishment of Louis be? Death is too cruel. No, says another, life is crueler yet; I ask that he live. Attorneys of the king, is it pity or cruelty which determines your attempts to preserve him from the punishment of his crimes? As for me, I abhor the death penalty dealt freely by your laws; I have neither love nor hate for Louis; I hate only his crimes. I asked for the abolition of the death penalty from the Assembly which you still call Constituent.³ And it is not my doing if the first principles of reason seemed to them moral and political heresy. But you, who would never invoke those principles in favor of so many

¹The reference is to Morisson's speech, above, p. 117.

²Robespierre is repudiating Saint-Just's hint about assassination, above, p. 126.

³Robespierre had made a major speech against capital punishment on 30 May 1791 before the Constituent Assembly.

The Speeches

unhappy men whose misdeeds are less their own than those of the government, by what fatal chance do you remember them only now when you plead the case of the greatest of all criminals? You ask for an exception to the death penalty for the only man who could make that penalty legitimate. True, the death penalty in general is a crime since, following the unchanging principles of nature, it can be justified only in those cases where it is vital to the safety of private citizens or of the public. Public safety never calls for the death penalty against ordinary crimes because society can always prevent them by other means and render the guilty man incapable of doing further harm. But a deposed king, in the midst of a revolution as yet unsupported by just laws; a king whose very name draws the scourge of war on the restless nation: neither prison or exile can render his existence indifferent to the public welfare. And that cruel exception to the laws ordinarily accepted by justice can be imputed to the nature of his crimes alone.

Regretfully I speak this fatal truth — Louis must die because the nation must live. Among a peaceful people free and respected both within and without their country, it would be possible to listen to the counsel of generosity which you are given. But a people which is still struggling for its liberty after so much sacrifice and so many battles; a people among whom the laws are not yet inexorable save for the unfortunate; a people among whom the crimes of tyranny are a subject of dispute, such a people must wish to be avenged; and the generosity with which you are flattered would resemble more closely that of a troop of brigands dividing their spoils.

I propose to you an immediate legal action on the fate of Louis XVI. As for his wife, you will send her back to the tribunals, along with all the other people accused of the same crimes. His son will be kept in the Temple until peace and public liberty have a firmer hold among us. As for Louis, I ask that the National Convention declare him, from this moment on, a traitor to the French nation, a criminal toward humanity. I ask that for these reasons, he give an example to the world in the very place where, on the tenth of August, the martyrs of liberty gave their lives; and that this memorable event be consecrated by a monument destined to nourish in the hearts of all people a sense of their own rights and a horror of tyrants; and to nourish in the spirit of tyrants, a salutary terror of the justice of the people.