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Resistance, Rebellion, and Death

by Albert Camus

Translated from the French and with an Introduction by JUSTIN O'BRIEN

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SHORTLY before the war of 1914, an assassin whose crime was particularly repulsive (he had slaughtered a family of farmers, including the children) was condemned to death in Algiers. He was a farm worker who had killed in a sort of bloodthirsty frenzy but had aggravated his case by robbing his victims. The affair created a great stir. It was generally thought that decapitation was too mild a punishment for such a monster. This was the opinion, I have been told, of my father, who was especially aroused by the murder of the children. One of the few things I know about him, in any case, is that he wanted to witness the execution, for the first time in his life. He got up in the dark to go to the place of execution at the other end of town amid a great crowd of people. What he saw that morning he never told anyone. My mother relates merely that he came rushing home, his face distorted, refused to talk, lay down for a moment on the bed, and suddenly began to vomit. He had just discovered the reality hidden under the noble phrases with which it was masked. Instead of thinking of the slaughtered children, he could think of nothing but that quivering body that had just been dropped onto a board to have its head cut off.

Presumably that ritual act is horrible indeed if it man-
ages to overcome the indignation of a simple, straightforward man and if a punishment he considered richly deserved had no other effect in the end than to nauseate him. When the extreme penalty simply causes vomiting on the part of the respectable citizen it is supposed to protect, how can anyone maintain that it is likely, as it ought to be, to bring more peace and order into the community? Rather, it is obviously no less repulsive than the crime, and this new murder, far from making amends for the harm done to the social body, adds a new blot to the first one. Indeed, no one dares speak directly of the ceremony. Officials and journalists who have to talk about it, as if they were aware of both its provocative and its shameful aspects, have made up a sort of ritual language, reduced to stereotyped phrases. Hence we read at breakfast time in a corner of the newspaper that the condemned “has paid his debt to society” or that he “atoned” or that “at five a.m. justice was done.” The officials call the condemned man “the interested party” or “the patient” or refer to him by a number. People write of capital punishment as if they were whispering. In our well-policed society we recognize that an illness is serious from the fact that we don’t dare speak of it directly. For a long time, in middle-class families people said no more than that the elder daughter had a “suspicious cough” or that the father had a “growth” because tuberculosis and cancer were looked upon as somewhat shameful maladies. This is probably even truer of capital punishment since everyone strives to refer to it only through euphemisms. It is to the body politic what cancer is to the individual body, with this difference: no one

has ever spoken of the necessity of punishment as a regrettable necessity, on the other hand, about capital punishment as a regrettable necessity because it is regrettable.

But it is my intention to talk about it because I like scandal, nor, I believe, is there a healthy streak in my nature. As much as I loathed avoiding the issue; as much as I loathed the repulsive aspects of our condition, it must merely be faced in silence. Tricks of language contribute to a climate that must be reformed or a suicide; then there is no other solution but the obscurity hidden under the shares with England and Spain that of the last countries this side of the Atlantic. Capital punishment in its arsenal of such a primitive rite has among us only by the thoughtless words of revolt and liberty. And if people are shown to touch the wood and steel and to be falling, then public imagination will repudiate both the vocabularies.

When the Nazis in Poland instigated executions of hostages, to keep those in words of revolt and liberty they
has ever spoken of the necessity of cancer. There is no hesitation, on the other hand, about presenting capital punishment as a regrettable necessity, a necessity that justifies killing because it is necessary, and let's not talk about it because it is regrettable.

But it is my intention to talk about it crudely. Not because I like scandal, nor, I believe, because of an unhealthy streak in my nature. As a writer, I have always loathed avoiding the issue; as a man, I believe that the repulsive aspects of our condition, if they are inevitable, must merely be faced in silence. But when silence or tricks of language contribute to maintaining an abuse that must be reformed or a suffering that can be relieved, then there is no other solution but to speak out and show the obscenity hidden under the verbal cloak. France shares with England and Spain the honor of being one of the last countries this side of the iron curtain to keep capital punishment in its arsenal of repression. The survival of such a primitive rite has been made possible among us only by the thoughtlessness or ignorance of the public, which reacts only with the ceremonial phrases that have been drilled into it. When the imagination sleeps, words are emptied of their meaning: a deaf population absent-mindedly registers the condemnation of a man. But if people are shown the machine, made to touch the wood and steel and to hear the sound of a head falling, then public imagination, suddenly awakened, will repudiate both the vocabulary and the penalty.

When the Nazis in Poland indulged in public executions of hostages, to keep those hostages from shouting words of revolt and liberty they muzzled them with a
plaster-coated gag. It would be shocking to compare the fate of those innocent victims with that of condemned criminals. But, aside from the fact that criminals are not the only ones to be guillotined in our country, the method is the same. We smother under padded words a penalty whose legitimacy we could assert only after we had examined the penalty in reality. Instead of saying that the death penalty is first of all necessary and then adding that it is better not to talk about it, it is essential to say what it really is and then say whether, being what it is, it is to be considered as necessary.

So far as I am concerned, I consider it not only useless but definitely harmful, and I must record my opinion here before getting to the subject itself. It would not be fair to imply that I reached this conclusion as a result of the weeks of investigation and research I have just devoted to this question. But it would be just as unfair to attribute my conviction to mere mawkishness. I am far from indulging in the flabby pity characteristic of humanitarians, in which values and responsibilities fuse, crimes are balanced against one another, and innocence finally loses its rights. Unlike many of my well-known contemporaries, I do not think that man is by nature a social animal. To tell the truth, I think just the reverse. But I believe, and this is quite different, that he cannot live henceforth outside of society, whose laws are necessary to his physical survival. Hence the responsibilities must be established by society itself according to a reasonable and workable scale. But the law’s final justification is in the good it does or fails to do to the society of a
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given place and time. For years I have been unable to see anything in capital punishment but a penalty the imagination could not endure and a lazy disorder that my reason condemned. Yet I was ready to think that my imagination was influencing my judgment. But, to tell the truth, I found during my recent research nothing that did not strengthen my conviction, nothing that modified my arguments. On the contrary, to the arguments I already had others were added. Today I share absolutely Koestler’s conviction: the death penalty besmirches our society, and its upholders cannot reasonably defend it.

We all know that the great argument of those who defend capital punishment is the exemplary value of the punishment. Heads are cut off not only to punish but to intimidate, by a frightening example, any who might be tempted to imitate the guilty. Society is not taking revenge; it merely wants to forestall. It waves the head in the air so that potential murderers will see their fate and recoil from it.

This argument would be impressive if we were not obliged to note:

1) that society itself does not believe in the exemplary value it talks about;
2) that there is no proof that the death penalty ever made a single murderer recoil when he had made up his mind, whereas clearly it had no effect but one of fascination on thousands of criminals;

3) that, in other regards, it constitutes a repulsive example, the consequences of which cannot be foreseen.

To begin with, society does not believe in what it says. If it really believed what it says, it would exhibit the heads. Society would give executions the benefit of the publicity it generally uses for national bond issues or new brands of drinks. But we know that executions in our country, instead of taking place publicly, are now perpetrated in prison courtyards before a limited number of specialists. We are less likely to know why and since when. This is a relatively recent measure. The last public execution, which took place in 1939, beheaded Weidmann, the author of several murders, who was notorious for his crimes. That morning a large crowd gathered at Versailles, including a large number of photographers. Between the moment when Weidmann was shown to the crowd and the moment when he was decapitated, photographs could be taken. A few hours later Paris-Soir published a page of illustrations of that appetizing event. Thus the good people of Paris could see that the light precision instrument used by the executioner was as different from the historical scaffold as a Jaguar is from one of our old Pierce-Arrows. The administration and the government, contrary to all hope, took such excellent publicity very badly and protested that the press had tried to satisfy the sadistic instincts of its readers. Consequently, it was decided that executions would no longer take place publicly, an act, after, facilitated the work of the press. Logic, in that affair, was not on the side of society.

On the contrary, a special decree was awarded to the editor of Paris-Soir to do better the next time. If to be exemplary, then, not only to be multiplied, but the machine a platform in Place de la Concorde, the population should be informed should be put on television instead. Either this must be done, more talk of exemplary value. Extermination committed at night in a emplary? At most, it serves the informing the citizens that they do not kill—a future that can be prospected. For the penalty to be frightening, Turenne, the representative of the people in 1791 on executions, was more logical when the National Assembly: “It takes a trunk the people in check.”

Today there is no spectacle, to all by hearsay and, from time execution dressed up in soothing future criminal keep in mind, crime, a sanction that everyone is more abstract? And if it is real, stantly keep that sanction in mind
more abstract? And if it is really desired that he const-
antly keep that sanction in mind so that it will first bal-

On the contrary, a special decoration should have been awarded to the editor of Paris-Soir, thereby encouraging him to do better the next time. If the penalty is intended to be exemplary, then, not only should the photographs be multiplied, but the machine should even be set on a platform in Place de la Concorde at two p.m., the entire population should be invited, and the ceremony should be put on television for those who couldn't attend. Either this must be done or else there must be no more talk of exemplary value. How can a furtive assassination committed at night in a prison courtyard be exemplary? At most, it serves the purpose of periodically informing the citizens that they will die if they happen to kill—a future that can be promised even to those who do not kill. For the penalty to be truly exemplary it must be frightening. Tuaut de La Bouverie, representative of the people in 1791 and a partisan of public executions, was more logical when he declared to the National Assembly: "It takes a terrifying spectacle to hold the people in check."

Today there is no spectacle, but only a penalty known to all by hearsay and, from time to time, the news of an execution dressed up in soothing phrases. How could a future criminal keep in mind, at the moment of his crime, a sanction that everyone strives to make more and more abstract? And if it is really desired that he const-
antly keep that sanction in mind so that it will first bal-

longer take place publicly, an arrangement that, soon after, facilitated the work of the occupation authorities. Logic, in that affair, was not on the side of the lawmaker.
ance and later reverse a frenzied decision, should there not be an effort to engrave that sanction and its dreadful reality in the sensitivity of all by every visual and verbal means?

Instead of vaguely evoking a debt that someone this very morning paid society, would it not be a more effective example to remind each taxpayer in detail of what he may expect? Instead of saying: "If you kill, you will atone for it on the scaffold," wouldn’t it be better to tell him, for purposes of example: “If you kill, you will be imprisoned for months or years, torn between an impossible despair and a constantly renewed terror, until one morning we shall slip into your cell after removing our shoes the better to take you by surprise while you are sound asleep after the night’s anguish. We shall fall on you, tie your hands behind your back, cut with scissors your shirt collar and your hair if need be. Perfectionists that we are, we shall bind your arms with a strap so that you are forced to stoop and your neck will be more accessible. Then we shall carry you, an assistant on each side supporting you by the arm, with your feet dragging behind through the corridors. Then, under a night sky, one of the executioners will finally seize you by the seat of your pants and throw you horizontally on a board while another will steady your head in the lunette and a third will let fall from a height of seven feet a hundred-and-twenty-pound blade that will slice off your head like a razor.”

For the example to be even better, for the terror to impress each of us sufficiently to outweigh at the right moment an irresistible desire for murder, it would be essential to go still further. Instead of boasting, with the pre-

tentious thoughtlessness character invented this rapid and humane, demned men, we should publish the eyewitness accounts and meditations on the state of the body after the executions in the schools and universities. Particularly for the purpose is the recent report to the state of the bodies of the guillotined, published by Doctors Piedelièvre and Madame doctors, invited in the juries of the bodies of the guillotined, considered it their duty to sum up their observations: "If we may be permitted to state the case, the pupils are frightfully blood vessels at the speed of the heart. The muscles contract stupefying; the intestines ripple regularly, incompletely, fascinating at certain moments in a terrify in that severed head the eyes are devoid of the cloudiness and opalescence at certain moments when they have no motion; their turgescence is not sufficient to make the eyes move. A premature burial." 1

1 According to the optimistic Dr. Guistin, not to feel anything. At most a "slight sensation of a murderous a premature burial." 2

2 Justice sans bourreau, No. 2 (June
TONS ON THE GUILLOTINE:

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made by Doctors Piedelievre and Fournier. Those cou
rageous doctors, invited in the interest of science to ex
amine the bodies of the guillotined after the execution,
considered it their duty to sum up their dreadful observa
ations: "If we may be permitted to give our opinion, such
sights are frightfully painful. The blood flows from the
blood vessels at the speed of the severed carotids, then it
cogulates. The muscles contract and their fibrillation is
stupefying; the intestines ripple and the heart moves ir
regularly, incompletely, fascinatingly. The mouth puck
ers at certain moments in a terrible pout. It is true that
in that severed head the eyes are motionless with dilated
pupils; fortunately they look at nothing and, if they are
devoid of the cloudiness and opalescence of the corpse,
they have no motion; their transparency belongs to life,
but their fixity belongs to death. All this can last min
utes, even hours, in sound specimens: death is not imme
diate. . . . Thus, every vital element survives decapi
tation. The doctor is left with this impression of a horri
ble experience, of a murderous vivisection, followed by
a premature burial." ¹

¹ According to the optimistic Dr. Guillotin, the condemned was
not to feel anything. At most a "slight sensation of coldness on
his neck."

² Justice sans bourreau, No. 2 (June 1956).
I doubt that there are many readers who can read that terrifying report without blanching. Consequently, its exemplary power and its capacity to intimidate can be counted on. There is no reason not to add to it eyewitness accounts that confirm the doctors' observations. Charlotte Corday's severed head blushed, it is said, under the executioner's slap. This will not shock anyone who listens to more recent observers. An executioner's assistant (hence hardly suspect of indulging in romanticizing and sentimentality) describes in these terms what he was forced to see: "It was a madman undergoing a real attack of delirium tremens that we dropped under the blade. The head dies at once. But the body literally jumps about in the basket, straining on the cords. Twenty minutes later, at the cemetery, it is still quivering." The present chaplain of the Santé prison, Father Devoyod (who does not seem opposed to capital punishment), gives in his book, Les Délinquants, an account that goes rather far and renews the story of Languille, whose decapitated head answered the call of his name:

"The morning of the execution, the condemned man was in a very bad mood and refused the consolations of religion. Knowing his heart of hearts and the affection he had for his wife, who was very devout, we said to him: 'Come now, out of love for your wife, commune with yourself a moment before dying,' and the condemned man accepted. He communed at length before the crucifix, then he seemed to pay no further attention to our presence. When he was executed, the guillotine and the body were in the basket; but, by some mistake, therefore the head was put in. The ass of the head had to wait a moment opened again; now, during that, it could see the condemned man's eyes look of supplication, as to if we made the sign of the cross to him, the head opened again; and finally the look, that had passion, became vague. . . ." Then, according to his faith, accept death by the priest. At least those eyes of expression need no interpretation.

I could adduce other first-hand just as hallucinating. But I, for After all, I do not claim that capital plory, and the penalty seems to make surgery practiced under conditions edifying about it. Society, on the State, which is not so impres up with such details and, since ought to try to get everyone to pu no one will be ignorant of them orized once and for all, will be an all. Whom do they hope to, if that example forever hidden, ifment described as easy and s all, than cancer, by a penalty and
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REFLECTIONS ON THE GUILLOTINE

presence. When he was executed, we were a short distance from him. His head fell into the trough in front of the guillotine and the body was immediately put into the basket; but, by some mistake, the basket was closed before the head was put in. The assistant who was carrying the head had to wait a moment until the basket was opened again; now, during that brief space of time we could see the condemned man's eyes fixed on me with a look of supplication, as if to ask forgiveness. Instinctively we made the sign of the cross to bless the head, and then the lids blinked, the expression of the eyes softened, and finally the look, that had remained full of expres­sion, became vague. . . ." The reader may or may not, according to his faith, accept the explanation provided by the priest. At least those eyes that "had remained full of expression" need no interpretation.

I could adduce other first-hand accounts that would be just as hallucinating. But I, for one, could not go on. After all, I do not claim that capital punishment is exemplary, and the penalty seems to me just what it is, a crude surgery practiced under conditions that leave nothing edifying about it. Society, on the other hand, and the State, which is not so impressionable, can very well put up with such details and, since they extol an example, ought to try to get everyone to put up with them so that no one will be ignorant of them and the population, terrorized once and for all, will become Franciscan one and all. Whom do they hope to intimidate, otherwise, by that example forever hidden, by the threat of a punish­ment described as easy and swift and easier to bear, after all, than cancer, by a penalty submerged in the flowers
of rhetoric? Certainly not those who are considered respectable (some of them are) because they are sleeping at that hour, and the great example has not been announced to them, and they will be eating their toast and marmalade at the time of the premature burial, and they will be informed of the work of justice, if perchance they read the newspapers, by an insipid news item that will melt like sugar in their memory. And, yet, those peaceful creatures are the ones who provide the largest percentage of homicides. Many such respectable people are potential criminals. According to a magistrate, the vast majority of murderers he had known did not know when shaving in the morning that they were going to kill later in the day. As an example and for the sake of security, it would be wiser, instead of hiding the execution, to hold up the severed head in front of all who are shaving in the morning.

Nothing of the sort happens. The State disguises executions and keeps silent about these statements and eyewitness accounts. Hence it doesn’t believe in the exemplary value of the penalty, except by tradition and because it has never bothered to think about the matter. The criminal is killed because this has been done for centuries and, besides, he is killed in a way that was set at the end of the eighteenth century. Out of habit, people will turn to arguments that were used centuries ago, even though these arguments must be contradicted by measures that the evolution of public sensitivity has made inevitable. A law is applied without being thought out and the condemned die in the name of a theory in which the executioners do not believe. If they believed in it, this would be obvious to all, arouses sadistic instincts with in eventually leading to another a risk of provoking revolt and dissi. The man who enjoying that justice has been done least detail. And the texts I have vindicate certain professors of this obvious inability to justify that console themselves by declaring Tarde, that it is better to cause suffering than it is to cause sui death. This is why we must appa. betta, who, as an adversary of the against a bill involving suppress. cutions, declaring: “If you suspect. spectacle, if you execute smother the public outburst of place of late and you will streng. Indeed, one must kill publicly not feel authorized to kill. If so penalty by the necessity of the itself by making the publicity in the executioner’s hands each time look at them—the over-delicate. who had any responsibility into being. Otherwise, society a out knowing what it is saying or
in it, this would be obvious to all. But publicity not only arouses sadistic instincts with incalculable repercussions eventually leading to another murder; it also runs the risk of provoking revolt and disgust in the public opinion. It would become harder to execute men one after another, as is done in our country today, if those executions were translated into vivid images in the popular imagination. The man who enjoys his coffee while reading that justice has been done would spit it out at the least detail. And the texts I have quoted might seem to vindicate certain professors of criminal law who, in their obvious inability to justify that anachronistic penalty, console themselves by declaring, with the sociologist Tarde, that it is better to cause death without causing suffering than it is to cause suffering without causing death. This is why we must approve the position of Gambetta, who, as an adversary of the death penalty, voted against a bill involving suppression of publicity for executions, declaring: “If you suppress the horror of the spectacle, if you execute inside prisons, you will smother the public outburst of revolt that has taken place of late and you will strengthen the death penalty.”

Indeed, one must kill publicly or confess that one does not feel authorized to kill. If society justifies the death penalty by the necessity of the example, it must justify itself by making the publicity necessary. It must show the executioner’s hands each time and force everyone to look at them—the over-delicate citizens and all those who had any responsibility in bringing the executioner into being. Otherwise, society admits that it kills without knowing what it is saying or doing. Or else it admits...
that such revolting ceremonies can only excite crime or completely upset opinion. Who could better state this
than a magistrate at the end of his career, Judge Falco,
whose brave confession deserves serious reflection: "The
only time in my life when I decided against a commuta-
tion of penalty and in favor of execution, I thought that,
despite my position, I could attend the execution and
remain utterly impassive. Moreover, the criminal was
not very interesting: he had tormented his daughter and
finally thrown her into a well. But, after his execution,
for weeks and even months, my nights were haunted by
that recollection. . . . Like everyone else, I served in
the war and saw an innocent generation die, but I can
state that nothing gave me the sort of bad conscience I
felt in the face of the kind of administrative murder that
is called capital punishment."

But, after all, why should society believe in that ex-
ample when it does not stop crime, when its effects, if
they exist, are invisible? To begin with, capital punish-
ment could not intimidate the man who doesn’t know
that he is going to kill, who makes up his mind to it in a
flash and commits his crime in a state of frenzy or obses-
sion, nor the man who, going to an appointment to have
it out with someone, takes along a weapon to frighten
the faithless one or the opponent and uses it although he
didn’t want to or didn’t think he wanted to. In other
words, it could not intimidate the man who is hurled
into crime as if into a calamity. This is tantamount to say-
ing that it is powerless in the majority of cases. It is only
fair to point out that in our country capital punishment
is rarely applied in such cases. It self makes one shudder.

Does it frighten at least that man it claims to operate and who liv-
less certain. We can read in Köes pickpockets were executed in
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show that out of 250 who were
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Bristol prison, 164 had witnessed
Such statistics are no longer, be-
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It cannot be denied, however. The privation of life is indeed
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Does it frighten at least that race of criminals on whom it claims to operate and who live off crime? Nothing is less certain. We can read in Koestler that at a time when pickpockets were executed in England, other pickpockets exercised their talents in the crowd surrounding the scaffold where their colleague was being hanged. Statistics drawn up at the beginning of the century in England show that out of 250 who were hanged, 170 had previously attended one or more executions. And in 1886, out of 167 condemned men who had gone through the Bristol prison, 164 had witnessed at least one execution. Such statistics are no longer possible to gather in France because of the secrecy surrounding executions. But they give cause to think that around my father, the day of that execution, there must have been a rather large number of future criminals, who did not vomit. The power of intimidation reaches only the quiet individuals who are not drawn toward crime and has no effect on the hardened ones who need to be softened. In Koestler's essay and in the detailed studies will be found the most convincing facts and figures on this aspect of the subject.

It cannot be denied, however, that men fear death. The privation of life is indeed the supreme penalty and ought to excite in them a decisive fear. The fear of death, arising from the most obscure depths of the individual, ravages him; the instinct to live, when it is threatened, panics and struggles in agony. Therefore the legislator was right in thinking that his law was based upon one of the most mysterious and most powerful incentives of
human nature. But law is always simpler than nature. When law ventures, in the hope of dominating, into the dark regions of consciousness, it has little chance of being able to simplify the complexity it wants to codify.

If fear of death is, indeed, a fact, another fact is that such fear, however great it may be, has never sufficed to quell human passions. Bacon is right in saying that there is no passion so weak that it cannot confront and overpower fear of death. Revenge, love, honor, pain, another fear manage to overcome it. How could cupidity, hatred, jealousy fail to do what love of a person or a country, what a passion for freedom manage to do? For centuries the death penalty, often accompanied by barbarous refinements, has been trying to hold crime in check; yet crime persists. Why? Because the instincts that are warring in man are not, as the law claims, constant forces in a state of equilibrium. They are variable forces constantly waxing and waning, and their repeated lapses from equilibrium nourish the life of the mind as electrical oscillations, when close enough, set up a current. Just imagine the series of oscillations, from desire to lack of appetite, from decision to renunciation, through which each of us passes in a single day, multiply these variations infinitely, and you will have an idea of psychological proliferation. Such lapses from equilibrium are generally too fleeting to allow a single force to dominate the whole being. But it may happen that one of the soul’s forces breaks loose until it fills the whole field of consciousness; at such a moment no instinct, not even that of life, can oppose the tyranny of that irresistible force. For capital punishment to be really intimidat-

It is not dead. This is why, may seem to anyone who has not experienced human complexity, the time, feels innocent when he acquires himself, if not within his right, at least in circumstances. He does not think of it until it is to foresee that he will be parted. How could he fear what is probable? He will fear death at before the crime. Hence the murderer should leave no cable in advance and particular circumstance. But who among us

If anyone did, it would still be account another paradox of human to live is fundamental, it is no instinct of which the academic psyche the death instinct, which at at the destruction of oneself and that the desire to kill often coincide or to annihilate oneself. The preservation is matched, in various instinct for destruction. The latter explaining altogether the various
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lyn, often accompanied by bars been trying to hold crime in its. Why? Because the instincts are not, as the law claims, con-
equilibrium. They are variable and waning, and their repeated nourish the life of the mind as then close enough, set up a cur-
eries of oscillations, from desire from decision to renunciation, us passes in a single day, multi-
ity, and you will have an idea tion. Such lapses from equilib-
leeting to allow a single force to ng. But it may happen that one asks loose until it fills the whole is such a moment no instinct, not pose the tyranny of that irresist-
ishment to be really intimidat-

ing, human nature would have to be different; it would have to be as stable and serene as the law itself. But then human nature would be dead.

It is not dead. This is why, however surprising this may seem to anyone who has never observed or directly experienced human complexity, the murderer, most of the time, feels innocent when he kills. Every criminal acquits himself before he is judged. He considers himself, if not within his right, at least excused by circum-
stances. He does not think or foresee; when he thinks, it is to foresee that he will be forgiven altogether or in part. How could he fear what he considers highly improbable? He will fear death after the verdict but not before the crime. Hence the law, to be intimidating, should leave the murderer no chance, should be impla-
cable in advance and particularly admit no extenuating circumstance. But who among us would dare ask this?

If anyone did, it would still be necessary to take into account another paradox of human nature. If the instinct to live is fundamental, it is no more so than another instinct of which the academic psychologists do not speak: the death instinct, which at certain moments calls for the destruction of oneself and of others. It is probable that the desire to kill often coincides with the desire to die or to annihilate oneself. Thus, the instinct for self-

preservation is matched, in variable proportions, by the instinct for destruction. The latter is the only way of explaining altogether the various perversions which,

It is possible to read every week in the papers of criminals who originally hesitated between killing themselves and killing others.
from alcoholism to drugs, lead an individual to his death while he knows full well what is happening. Man wants to live, but it is useless to hope that this desire will dictate all his actions. He also wants to be nothing; he wants the irreparable, and death for its own sake. So it happens that the criminal wants not only the crime but the suffering that goes with it, even (one might say, especially) if that suffering is exceptional. When that odd desire grows and becomes dominant, the prospect of being put to death not only fails to stop the criminal, but probably even adds to the vertigo in which he swoons. Thus, in a way, he kills in order to die.

Such peculiarities suffice to explain why a penalty that seems calculated to frighten normal minds is in reality altogether unrelated to ordinary psychology. All statistics without exception, those concerning countries that have abolished execution as well as the others, show that there is no connection between the abolition of the death penalty and criminality. Criminal statistics neither increase nor decrease. The guillotine exists, and so does crime; between the two there is no other apparent connection than that of the law. All we can conclude from the figures, set down at length in statistical tables, is this: for centuries crimes other than murder were punished with death, and the supreme punishment, repeated over and over again, did not do away with any of those crimes. For centuries not only murder has been punished with death; in fact, some of them had, and yet the race of Cain has not increased. Who could deduce that punishment is really intimidating?

Conservatives cannot deny this. Their only and final reply is to argue that the paradoxical attitude of a man who hides the executions it claims to frighten proves, indeed, that the death penalty is exemplary, as a certain that thousands of murderers, dated by it. But there is no way to be intimidated: consequently, no death penalty is really intimidating. Thus, the greatest of punishments is really intimidates; consequently, no is not increased. Who could the sentence in that involves the last dishonor? It grants the supreme privilege to a man, but an unverifiable possibility. Does not involve degrees of culpability and rigidity. Yet it is administered as chance and a calculation. Even reasonable, should there not be a most certain of deaths? How cut in two, not so much for the by virtue of all the crimes that were not committed, that could be
of those crimes. For centuries now, those crimes have no longer been punished with death. Yet they have not increased; in fact, some of them have decreased. Similarly, murder has been punished with execution for centuries and yet the race of Cain has not disappeared. Finally, in the thirty-three nations that have abolished the death penalty or no longer use it, the number of murders has not increased. Who could deduce from this that capital punishment is really intimidating?

Conservatives cannot deny these facts or these figures. Their only and final reply is significant. They explain the paradoxical attitude of a society that so carefully hides the executions it claims to be exemplary. "Nothing proves, indeed," say the conservatives, "that the death penalty is exemplary; as a matter of fact, it is certain that thousands of murderers have not been intimidated by it. But there is no way of knowing those it has intimidated; consequently, nothing proves that it is not exemplary." Thus, the greatest of punishments, the one that involves the last dishonor for the condemned and grants the supreme privilege to society, rests on nothing but an unverifiable possibility. Death, on the other hand, does not involve degrees or probabilities. It solidifies all things, culpability and the body, in a definitive rigidity. Yet it is administered among us in the name of chance and a calculation. Even if that calculation were reasonable, should there not be a certainty to authorize the most certain of deaths? However, the condemned is cut in two, not so much for the crime he committed but by virtue of all the crimes that might have been and were not committed, that can be and will not be com-
mitted. The most sweeping uncertainty in this case authorizes the most implacable certainty.

I am not the only one to be amazed by such a dangerous contradiction. Even the State condemns it, and such bad conscience explains in turn the contradiction of its own attitude. The State divests its executions of all publicity because it cannot assert, in the face of facts, that they ever served to intimidate criminals. The State cannot escape the dilemma Beccaria described when he wrote: "If it is important to give the people proofs of power often, then executions must be frequent; but crimes will have to be frequent too, and this will prove that the death penalty does not make the complete impression that it should, whence it results that it is both useless and necessary." What can the State do with a penalty that is useless and necessary, except to hide it without abolishing it? The State will keep it then, a little out of the way, not without embarrassment, in the blind hope that one man at least, one day at least, will be stopped from his murderous gesture by thought of the punishment and, without anyone's ever knowing it, will justify a law that has neither reason nor experience in its favor. In order to continue claiming that the guillotine is exemplary, the State is consequently led to multiply very real murders in the hope of avoiding a possible murder which, as far as it knows or ever will know, may never be perpetrated. An odd law, to be sure, which knows the murder it commits and will never know the one it prevents.

What will be left of that power of example if it is proved that capital punishment has another power, and a very real one, which degrades, shame, madness, and murder?

It is already possible to follow such ceremonies on public opinion, of sadism they arouse, the bid cite in certain criminals. No to the gallows, but disgust, consternation of the senses. These efficiency forced the guillotine to l'Hotel de Ville to the city gates We are less informed as to the job it is to attend such spectacles warden of an English prison of sense of personal shame" and to of "horror, shame, and humiliation feelings of the man who kills us executioner. What can we think of the guillotine "the short, condemned man "the client" or of Bela Just, who accompanied condemned men, writes: "The same of justice is quite as cynical at criminals." And here are the assistant executioners on his journey: "When we would start on a trip with taxis and the best restaurants. The same one says, boasting a

*Report of the Select Committee, 1
1 La Potence et la Croix (Fasquelle)
2 Roger Grenier: Les Monstres (G
a very real one, which degrades men to the point of shame, madness, and murder?

It is already possible to follow the exemplary effects of such ceremonies on public opinion, the manifestations of sadism they arouse, the hideous vainglory they excite in certain criminals. No nobility in the vicinity of the gallows, but disgust, contempt, or the vilest indulgence of the senses. These effects are well known. Decency forced the guillotine to emigrate from Place de l'Hotel de Ville to the city gates, then into the prisons. We are less informed as to the feelings of those whose job it is to attend such spectacles. Just listen then to the warden of an English prison who confesses to “a keen sense of personal shame” and to the chaplain who speaks of “horror, shame, and humiliation.” Just imagine the feelings of the man who kills under orders—I mean the executioner. What can we think of those officials who call the guillotine “the shunting engine,” the condemned man “the client” or “the parcel”? The priest Bela Just, who accompanied more than thirty condemned men, writes: “The slang of the administrators of justice is quite as cynical and vulgar as that of the criminals.” And here are the remarks of one of our assistant executioners on his journeys to the provinces: “When we would start on a trip, it was always a lark, with taxis and the best restaurants part of the spree!” The same one says, boasting of the executioner’s skill

* Report of the Select Committee, 1930.
1 La Potence et la Croix (Fasquelle).
2 Roger Grenier: Les Monstres (Gallimard).
in releasing the blade: "You could allow yourself the fun of pulling the client's hair." The dissoluteness expressed here has other, deeper aspects. The clothing of the condemned belongs in principle to the executioner. The elder Deibler used to hang all such articles of clothing in a shed and now and then would go and look at them. But there are more serious aspects. Here is what our assistant executioner declares: "The new executioner is batty about the guillotine. He sometimes spends days on end at home sitting on a chair, ready with hat and coat on, waiting for a summons from the Ministry." 

Yes, this is the man of whom Joseph de Maistre said that, for him to exist, there had to be a special decree from the divine power and that, without him, "order yields to chaos, thrones collapse, and society disappears." This is the man through whom society rid itself altogether of the guilty man, for the executioner signs the prison release and takes charge of a free man. The fine and solemn example, thought up by our legislators, at least produces one sure effect—to depreciate or to destroy all humanity and reason in those who take part in it directly. But, it will be said, these are exceptional creatures who find a vocation in such dishonor. They seem less exceptional when we learn that hundreds of persons offer to serve as executioners without pay. The men of our generation, who have lived through the history of recent years, will not be astonished by this bit of information. They know that behind the most peaceful and familiar faces slumbers the impulse to torture and destroy. If, therefore, there is a desire for vengeance by example, let us at least be spared the humiliation which can have no publicity. It works only on respectable people, respectable, which fascinates them to be respectable and debases or demoralizes them in part if not in whole. It is a penalty, to be or not to be, physical and moral, but it is essentially a demoralizing one. It gives nothing; indeed, it may even add to the horror. It hardly seems to exist, or to suffer it—in his soul for months during the desperate and violent death in two without suppressing his inhuman name which, for lack of any other, give the nobility of truth, and what it is essentially: a revenge.

A punishment that penalties with a deed called revenge. It is a crime made by society to whoever be able to do.
marched to hang all such articles of clothing of the executioner. Here is the executioner declares: "The new executioner sitting on a chair, ready for a summons from the man, for the executioner signs charge of a free man. The thought up by our legislators, sure effect—to depreciate or to reason in those who take part will be said, these are exceptional occasion in such dishonor. They when we learn that hundreds of executioners without pay. The who have lived through the his- not be astonished by this bit of w that behind the most peaceful abers the impulse to torture and murder. The punishment that aims to intimidate an unknown murderer certainly confers a vocation of killer on many another monster about whom there is no doubt. And since we are busy justifying our cruelest laws with probable considerations, let there be no doubt that out of those hundreds of men whose services were declined, one at least must have satisfied otherwise the bloodthirsty instincts the guillotine excited in him.

If, therefore, there is a desire to maintain the death penalty, let us at least be spared the hypocrisy of a justification by example. Let us be frank about that penalty which can have no publicity, that intimidation which works only on respectable people, so long as they are respectable, which fascinates those who have ceased to be respectable and debases or deranges those who take part in it. It is a penalty, to be sure, a frightful torture, both physical and moral, but it provides no sure example except a demoralizing one. It punishes, but it forestalls nothing; indeed, it may even arouse the impulse to murder. It hardly seems to exist, except for the man who suffers it—in his soul for months and years, in his body during the desperate and violent hour when he is cut in two without suppressing his life. Let us call it by the name which, for lack of any other nobility, will at least give the nobility of truth, and let us recognize it for what it is essentially: a revenge.

A punishment that penalizes without forestalling is indeed called revenge. It is a quasi-arithmetical reply made by society to whoever breaks its primordial law. That reply is as old as man; it is called the law of retalio-
tion. Whoever has done me harm must suffer harm; whoever has put out my eye must lose an eye; and whoever has killed must die. This is an emotion, and a particularly violent one, not a principle. Retaliation is related to nature and instinct, not to law. Law, by definition, cannot obey the same rules as nature. If murder is in the nature of man, the law is not intended to imitate or reproduce that nature. It is intended to correct it. Now, retaliation does no more than ratify and confer the status of a law on a pure impulse of nature. We have all known that impulse, often to our shame, and we know its power, for it comes down to us from the primitive forests. In this regard, we French, who are properly indignant upon seeing the oil king in Saudi Arabia preach international democracy and call in a butcher to cut off a thief’s hand with a cleaver, live also in a sort of Middle Ages without even the consolations of faith. We still define justice according to the rules of a crude arithmetic.

A few years ago I asked for the reprieve of six Tunisians who had been condemned to death for the murder, in a riot, of three French policemen. The circumstances in which the murder had taken place made difficult any division of responsibilities. A note from the executive office of the President of the Republic informed me that my appeal was being considered by the appropriate organization. Unfortunately, when that note was addressed to me I had already read two weeks earlier that the sentence had been carried out. Three of the condemned men had been put to death and the three others reprieved. The reasons for reprieving some rather than the others were not convincing. But probably it was essential to carry out three executions where there had been three victims.

and that justice, even when circumscribed to legal revenge, is safe enough? The answer must be no.

Let us leave aside the fact that this arithmetic is inapplicable and that it would be insufficient to punish the incendiary by setting him in his bank account of a sum equal to the death of the victim by the death of the victim by beheading is not simply death. It is, in essence, from the privation of life, that its arithmetic does not add to death a rule, a public act, the future victim, an organization, itself a source of moral suffering. Hence there is no equivalent to consider a premeditated crime more severe than a murder of the victim by the death without causing suffering, if we are talking about and, above all,
and that justice, even when elementary, even when limited to legal revenge, is safeguarded by the death penalty? The answer must be no.

Let us leave aside the fact that the law of retaliation is inapplicable and that it would seem just as excessive to punish the incendiary by setting fire to his house as it would be insufficient to punish the thief by deducting from his bank account a sum equal to his theft. Let us admit that it is just and necessary to compensate for the murder of the victim by the death of the murderer. But beheading is not simply death. It is just as different, in essence, from the privation of life as a concentration camp is from prison. It is a murder, to be sure, and one that arithmetically pays for the murder committed. But it adds to death a rule, a public premeditation known to the future victim, an organization, in short, which is in itself a source of moral sufferings more terrible than death. Hence there is no equivalence. Many laws consider a premeditated crime more serious than a crime of pure violence. But what then is capital punishment but the most premeditated of murders, to which no criminal’s deed, however calculated it may be, can be compared? For there to be equivalence, the death penalty would have to punish a criminal who had warned his victim of the date at which he would inflict a horrible death on him and who, from that moment onward, had confined him at his mercy for months. Such a monster is not encountered in private life.

There, too, when our official jurists talk of putting to death without causing suffering, they don’t know what they are talking about and, above all, they lack imagina-
tion. The devastating, degrading fear that is imposed on the condemned for months or years is a punishment more terrible than death, and one that was not imposed on the victim. Even in the fright caused by the mortal violence being done to him, most of the time the victim is hastened to his death without knowing what is happening to him. The period of horror is counted out with his life, and hope of escaping the madness that has swept down upon that life probably never leaves him. On the other hand, the horror is parcelled out to the man who is condemned to death. Torture through hope alternates with the pangs of animal despair. The lawyer and chaplain, out of mere humanity, and the jailers, so that the condemned man will keep quiet, are unanimous in assuring him that he will be reprieved. He believes this with all his being and then he ceases to believe it. He hopes by day and despair of it by night. As the weeks pass, hope and despair increase and become equally unbearable. According to all accounts, the color of the skin

Roemen, condemned to death at the Liberation of France, remained seven hundred days in chains before being executed, and this is scandalous. Those condemned under common law, as a general rule, wait from three to six months for the morning of their death. And it is difficult, if one wants to maintain their chances of survival, to shorten that period. I can bear witness, moreover, to the fact that the examination of appeals for mercy is conducted in France with a seriousness that does not exclude the visible inclination to pardon, insofar as the law and customs permit.

Sunday not being a day of execution, Saturday night is always better in the cell blocks reserved for those condemned to death.

changes, fear acting like an acid. "going to die is nothing," said a Fresnes. "But not knowing whether to live, that's terror and anguish." supreme punishment: "Why, it's that have to be lived through." months, not of minutes. Long in ad man knows that he is going to be thing that can save him is a reprieve him, to the decrees of heaven. In intervene, make a plea himself, or goes on outside of him. He is thing waiting to be handled by the kept as if he were inert matter, a cioussness which is his chief enemy.

When the officials whose job it him a parcel, they know what is unable to do anything against the from one place to another, holds this not indeed being a parcel, or hobbled animal? Even then an The condemned man cannot. He a special diet (at Fresnes, Diet N wine, sugar, jam, butter); they set his own. If need be, he is forced that is going to be killed must be. The thing or the animal has a right freedoms that are called whims. a top-sergeant at Fresnes says with those condemned to death. Of they have contact with freedom.
GUILLOTINE:

A degrading fear that is imposed on months or years — a punishment that was not imposed in the fright caused by the mortal fear that is counted out with the madness that has swept through the months, not of minutes. Long in advance the condemned man knows that he is going to be killed and that the only thing that can save him is a reprieve, rather similar, for him, to the decrees of heaven. In any case, he cannot intervene, make a plea himself, or convince. Everything goes on outside of him. He is no longer a man but a thing waiting to be handled by the executioners. He is kept as if he were inert matter, but he still has a consciousness which is his chief enemy.

When the officials whose job it is to kill that man call him a parcel, they know what they are saying. To be unable to do anything against the hand that moves you from one place to another, holds you or rejects you, is this not indeed being a parcel, or a thing, or, better, a hobbled animal? Even then an animal can refuse to eat. The condemned man cannot. He is given the benefit of a special diet (at Fresnes, Diet No. 4 with extra milk, wine, sugar, jam, butter); they see to it that he nourishes himself. If need be, he is forced to do so. The animal that is going to be killed must be in the best condition. The thing or the animal has a right only to those debased freedoms that are called whims. "They are very touchy," a top-sergeant at Fresnes says without the least irony of those condemned to death. Of course, but how else can they have contact with freedom and the dignity of the
will that man cannot do without? Touchy or not, the moment the sentence has been pronounced the condemned man enters an imperturbable machine. For a certain number of weeks he travels along in the intricate machinery that determines his every gesture and eventually hands him over to those who will lay him down on the killing machine. The parcel is no longer subject to the laws of chance that hang over the living creature but to mechanical laws that allow him to foresee accurately the day of his beheading.

That day his being an object comes to an end. During the three quarters of an hour separating him from the end, the certainty of a powerless death stifles everything else; the animal, tied down and amenable, knows a hell that makes the hell he is threatened with seem ridiculous. The Greeks, after all, were more humane with their hemlock. They left their condemned a relative freedom, the possibility of putting off or hastening the hour of his death. They gave him a choice between suicide and execution. On the other hand, in order to be doubly sure, we deal with the culprit ourselves. But there could not really be any justice unless the condemned, after making known his decision months in advance, had approached his victim, bound him firmly, informed him that he would be put to death in an hour, and had finally used that hour to set up the apparatus of death. What criminal ever reduced his victim to such a desperate and powerless condition?

This doubtless explains the odd submissiveness that is customary in the condemned at the moment of their execution. These men who have nothing more to lose could play their last card, choose to or be guillotined in the kind of frame all the faculties. In a way, this was freely. And yet, with but few exceptions for the condemned to walk toward sort of dreary despondency. That is journalists mean when they say died courageously. We must read that the condemned made no noise as a parcel, and that everyone is great. In such a degrading business, this is a praiseworthy sense of propriety, a radiation from lasting too long in and the certificates of courage below. The executioner surrounding the death, the condemned will often be seemingly in profeels. He will deserve the praise of fear or his feeling of isolation is great. Let there be no. Some among the condemned, who die heroically, and they must be admiration and respect. But the may only the silence of fear, only the and it seems to me that such terms even greater respect. When the pris write to the family of a young condemned moments before he is hanged and have no courage, even for that, note being that confession of weakness, his wretched and most sacred thing nothing but leave a little pool on
could play their last card, choose to die of a chance bullet or be guillotined in the kind of frantic struggle that dulls all the faculties. In a way, this would amount to dying freely. And yet, with but few exceptions, the rule is for the condemned to walk toward death passively in a sort of dreary despondency. That is probably what our journalists mean when they say that the condemned died courageously. We must read between the lines that the condemned made no noise, accepted his status as a parcel, and that everyone is grateful to him for this. In such a degrading business, the interested party shows a praiseworthy sense of propriety by keeping the degradation from lasting too long. But the compliments and the certificates of courage belong to the general mystification surrounding the death penalty. For the condemned will often be seemly in proportion to the fear he feels. He will deserve the praise of the press only if his fear or his feeling of isolation is great enough to sterilize him completely. Let there be no misunderstanding. Some among the condemned, whether political or not, die heroically, and they must be granted the proper admiration and respect. But the majority of them know only the silence of fear, only the impassivity of fright, and it seems to me that such terrified silence deserves even greater respect. When the priest Bela Just offers to write to the family of a young condemned man a few moments before he is hanged and hears the reply: "I have no courage, even for that," how can a priest, hearing that confession of weakness, fail to honor the most wretched and most sacred thing in man? Those who say nothing but leave a little pool on the spot from which
they are taken—who would dare say they died as cowards? And how can we describe the men who reduced them to such cowardice? After all, every murderer when he kills runs the risk of the most dreadful of deaths, whereas those who kill him risk nothing except advancement.

No, what man experiences at such times is beyond all morality. Not virtue, nor courage, nor intelligence, nor even innocence has anything to do with it. Society is suddenly reduced to a state of primitive terrors where nothing can be judged. All equity and all dignity have disappeared. "The conviction of innocence does not immunize against brutal treatment... I have seen authentic bandits die courageously whereas innocent men went to their deaths trembling in every muscle." When the same man adds that, according to his experience, intellectuals show more weakness, he is not implying that such men have less courage than others but merely that they have more imagination. Having to face an inevitable death, any man, whatever his convictions, is torn asunder from head to toe. The feeling of powerlessness and solitude of the condemned man, bound and up against the public coalition that demands his death, is in itself an unimaginable punishment. From this point of view, too, it would be better for the execution to be public. The actor in every man could then come to the aid of the terrified cut a figure, even in his own eyes. silence offer no recourse. In such strength of soul, even faith may be general rule, a man is undone by punishment well before he dies. inflicted on him, the first being where he killed but once. Comp the penalty of retaliation seems less never claimed that the man whose brother's eyes should be totally blind.

Such a basic injustice has repelled relatives of the executed man. That whose sufferings are generally very often, want to be avenged. They at the condemned man then discover that punishes them beyond all just father's long months of waiting, of artificial conversations filling up spent with the condemned man, cution are all tortures that were motives of the victim. Whatever may latter, they cannot want the reveng beyond the crime and to torture own grief. "I have been reprieved condemned man, "I can't yet realize that has come my way. My way April 30 and I was told Wednesday the visiting-room. I immediately Mama, who had not yet left the pit
REFLECTIONS ON THE GUILLOTINE

would dare say they died as cowards. After all, every murderer when cut a figure, even in his own eyes. But darkness and secrecy offer no recourse. In such a disaster, courage, strength of soul, even faith may be disadvantages. As a general rule, a man is undone by waiting for capital punishment well before he dies. Two deaths are inflicted on him, the first being worse than the second, whereas he killed but once. Compared to such torture, the penalty of retaliation seems like a civilized law. It never claimed that the man who gouged out one of his brother’s eyes should be totally blinded.

Such a basic injustice has repercussions, besides, on the relatives of the executed man. The victim has his family, whose sufferings are generally very great and who, most often, want to be avenged. They are, but the relatives of the condemned man then discover an excess of suffering that punishes them beyond all justice. A mother’s or a father’s long months of waiting, the visiting-room, the artificial conversations filling up the brief moments spent with the condemned man, the visions of the execution are all tortures that were not imposed on the relatives of the victim. Whatever may be the feelings of the latter, they cannot want the revenge to extend so far beyond the crime and to torture people who share their own grief. “I have been reprieved, Father,” writes a condemned man, “I can’t yet realize the good fortune that has come my way. My reprieve was signed on April 30 and I was told Wednesday as I came back from the visiting-room. I immediately informed Papa and Mama, who had not yet left the prison. You can imagine
their happiness.”* We can indeed imagine it, but only insofar as we can imagine their uninterrupted suffering until the moment of the reprieve, and the final despair of those who receive the other notification, which punishes, in iniquity, their innocence and their misfortune.

To cut short this question of the law of retaliation, we must note that even in its primitive form it can operate only between two individuals of whom one is absolutely innocent and the other absolutely guilty. The victim, to be sure, is innocent. But can the society that is supposed to represent the victim lay claim to innocence? Is it not responsible, at least in part, for the crime it punishes so severely? This theme has often been developed, and I shall not repeat the arguments that all sorts of thinkers have brought forth since the eighteenth century. They can be summed up anyway by saying that every society has the criminals it deserves. But insofar as France is concerned, it is impossible not to point out the circumstances that ought to make our legislators more modest.

Answering an inquiry of the Figaro in 1952 on the death penalty, a colonel asserted that establishing hard labor for life as the most severe penalty would amount to setting up schools of crime. That high-ranking officer seemed to be ignorant, and I can only congratulate him, of the fact that we already have our schools of crime, which differ from our federal prisons in this notable regard: it is possible to leave them at any hour of the day or night; they are the taverns and shops of the Republic. On this point it is important to moderate.

Statistics show 64,000 overcrowded cells (three to five persons per room) in the prisons. To be sure, the killer of children (a creature who scarcely arouses pity, say probable), that none of my readers would have gone through the same conditions, would go so far as to say that there is no question of redressing the wrongs of certain monsters. But those murders, would perhaps have had no precedent. The least that can be said is that every society should be granted to the very people who are the victims of housing, but the growing of beets and alcohol.¹

But alcohol makes this scandal even worse, as it is known that the French nation is excoriated by its parliamentary majority for reasons. Now, the proportion of alcohol is known to be considerable in the cause of bloodthirsty crimes [Maitre Guillon] estimated it at 60. Lagriffe the proportion extends from 29 per cent to 17 per cent of the killers of children. An investigation carried out in 1951 in the Fresnes prison, among the killers, showed 29 per cent to be known to be alcoholic, that is to have an alcoholic income. From per cent of the killers of children and France ranks first among countries in alcohol and fifteenth in building.
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night; they are the taverns and slums, the glory of our Republic. On this point it is impossible to express one-

Statistics show 64,000 overcrowded dwellings (from three to five persons per room) in the city of Paris alone. To be sure, the killer of children is a particularly vile creature who scarcely arouses pity. It is probable, too (I say probable), that none of my readers, forced to live in the same conditions, would go so far as to kill children. Hence there is no question of reducing the culpability of certain monsters. But those monsters, in decent dwell-
ings, would perhaps have had no occasion to go so far. The least that can be said is that they are not alone guilty, and it seems strange that the right to punish them should be granted to the very people who subsidize, not housing, but the growing of beets for the production of alcohol.1

But alcohol makes this scandal even more shocking. It is known that the French nation is systematically intoxicated by its parliamentary majority, for generally vile reasons. Now, the proportion of alcohol's responsibility in the cause of bloodthirsty crimes is shocking. A lawyer (Maitre Guillon) estimated it at 60 per cent. For Dr. Lagriffe the proportion extends from 41.7 to 72 per cent. An investigation carried out in 1951 in the clearing-center of the Fresnes prison, among the common-law criminals, showed 29 per cent to be chronic alcoholics and 24 per cent to have an alcoholic inheritance. Finally, 95 per cent of the killers of children are alcoholics. These

1 France ranks first among countries for its consumption of alcohol and fifteenth in building.
are impressive figures. We can balance them with an even more magnificent figure: the tax report of a firm producing _apéritifs_, which in 1953 showed a profit of 410 million francs. Comparison of these figures justifies informing the stockholders of that firm and the Deputies with a financial interest in alcohol that they have certainly killed more children than they think. As an opponent of capital punishment, I am far from asking that they be condemned to death. But, to begin with, it strikes me as indispensable and urgent to take them under military escort to the next execution of a murderer of children and to hand them on their way out a statistical report including the figures I have given.

The State that sows alcohol cannot be surprised to reap crime. Instead of showing surprise, it simply goes on cutting off heads into which it has poured so much alcohol. It metes out justice imperturbably and poses as a creditor: its good conscience does not suffer at all. Witness the alcohol salesman who, in answer to the _Figaro_'s inquiry, exclaimed: “I know just what the staunchest enemy of the death penalty would do if, having a weapon within reach, he suddenly saw assassins on the point of killing his father, his mother, his children, or his best friend. Well!” That “well” in itself seems somewhat alcoholized. Naturally, the staunchest enemy of capital punishment would shoot those men, without thereby losing any staunchly defending abolition of the death penalty if he were to follow through his threat. The mentioned assassins reeked of alcohol, and take care of those whose vocation is to pursue criminals. It is even quite realistic of victims of alcoholic crimes of getting some enlightenment from nothing of the sort. The State, in general confidence, even supports goes on chastising assassins (punish) somewhat in the way the pimp-chasing creatures who assure his livelihood least does no moralizing. The State prudence admits that drunkenness constitutes an extenuating circumstance of chronic alcoholism. Drunkened companies only crimes of violence, with death, whereas the chronic sick of premeditated crimes, which is death. Consequently, the State pardons in the only case in which it has

Does this amount to saying that be declared irresponsible by a State breast until the nation drinks not. Certainly not. No more than that heredity should cancel all culpability of an offender cannot be proved.

know that arithmetic is incapable of taking of our antecedents, whether
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that, just try to interpret statistics!

punishment would shoot those murderers, and rightly
so, without thereby losing any of his reasons for
staunchly defending abolition of the death penalty. But
if he were to follow through his thinking and the afore-
mentioned assassins reeked of alcohol, he would then go
and take care of those whose vocation is to intoxicate fu-
ture criminals. It is even quite surprising that the rela-
tives of victims of alcoholic crimes have never thought
of getting some enlightenment from the Parliament. Yet
nothing of the sort takes place, and the State, enjoying
general confidence, even supported by public opinion,
goes on chastising assassins (particularly the alcoholics)
somewhat in the way the pimp chastises the hard-work-
ing creatures who assure his livelihood. But the pimp at
least does no moralizing. The State does. Although juris-
prudence admits that drunkenness sometimes consti-
tutes an extenuating circumstance, the State is ignorant
of chronic alcoholism. Drunkenness, however, accom-
panies only crimes of violence, which are not punished
with death, whereas the chronic alcoholic is capable also
of premeditated crimes, which will bring about his
death. Consequently, the State reserves the right to pun-
ish in the only case in which it has a real responsibility.

Does this amount to saying that every alcoholic must
be declared irresponsible by a State that will beat its
breast until the nation drinks nothing but fruit juice?
Certainly not. No more than that the reasons based on
heredity should cancel all culpability. The real respon-
sibility of an offender cannot be precisely measured. We
know that arithmetic is incapable of adding up the num-
ber of our antecedents, whether alcoholic or not. Going
back to the beginning of time, the figure would be twenty-two times, raised to the tenth power, greater than the number of present inhabitants of the earth. The number of bad or morbid predispositions our antecedents have been able to transmit to us is, thus, incalculable. We come into the world laden with the weight of an infinite necessity. One would have to grant us, therefore, a general irresponsibility. Logic would demand that neither punishment nor reward should ever be meted out, and, by the same token, all society would become impossible. The instinct of preservation of societies, and hence of individuals, requires instead that individual responsibility be postulated and accepted without dreaming of an absolute indulgence that would amount to the death of all society. But the same reasoning must lead us to conclude that there never exists any total responsibility or, consequently, any absolute punishment or reward. No one can be rewarded completely, not even the winners of Nobel Prizes. But no one should be punished absolutely if he is thought guilty, and certainly not if there is a chance of his being innocent. The death penalty, which really neither provides an example nor assures distributive justice, simply usurps an exorbitant privilege by claiming to punish an always relative culpability by a definitive and irreparable punishment.

If indeed capital punishment represents a doubtful example and an unsatisfactory justice, we must agree with its defenders that it is eliminative. The death penalty definitively eliminates the condemned man. That alone, to tell the truth, ought to exclude, for its partisans especially, the repetition of risky argument. Have just seen, can always be correctly formulated, can be frankly say that it is definitive, and affirm that certain men are irreducible to society and for the social order, and that for the social order, and that thing else, they must be suppressed. One can refute the existence in society of animals whose energy and brutality no punishment, even the death penalty, can suppress the problem they create. Let us agree with the problem.

I shall come back to such men. If indeed none of those executed is remedial, asserted that none of them is innocent, must it not be admitted that capital punishment is not only insofar as it is irreversible March 1957, Burton Abbott was executed for having committed murder. Men who commit such a crime, believe, classified among the insane, Abbott continually protested his innocence. His execution had been scheduled for March at ten o'clock. At 9:10 a.m., his attorneys to make a final appeal, the appeal was refused. At 9:10 a.m., the condemned man was taken to the death chamber and executed while announcing to him the sentence.